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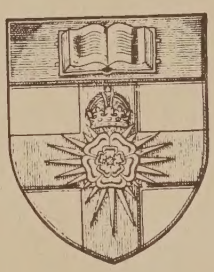

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B I L L S,

PUBLIC:

TEN VOLUMES.

—(1.)—

ACCESS TO MOUNTAINS (SCOTLAND)

TO

ELECTORS' REGISTRATION (ACCELERATION).

Session

25 *November* 1890 —— 5 *August* 1891.

VOL. I.

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BILLS:

1890-91.

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FIRST VOLUME.

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A

B I L L

TO

Secure to the Public the right of Access to Mountains and Moorlands in Scotland. A.D. 1891.

WHEREAS large tracts of uncultivated mountain and moor land in Scotland, formerly pastured on by sheep and cattle, have of late years been stocked with deer, and attempts have been made to deprive Her Majesty's subjects of the rights which they have heretofore enjoyed of walking upon these and other tracts of uncultivated mountain and moor land for purposes of recreation and of scientific or artistic study:

And whereas doubts have arisen as to the respective rights of the owners of uncultivated mountain and moor lands in Scotland and of Her Majesty's subjects generally as regards the use of such lands and the access thereto, and it is expedient to remove such doubts and to secure to Her Majesty's subjects the right of free access to such lands for the purposes of recreation and scientific or artistic study, subject to proper provisions for preventing any abuse of such right:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Access to Mountains (Scotland) Act, 1890, and shall come into operation on the *first day of January one thousand eight hundred and ninety-two.*

Persons not to be prevented from walking on mountain lands for purposes of recreation, &c.

2. Subject to the provisions herein-after contained, no owner or occupier of uncultivated mountain or moor lands in Scotland shall be entitled to exclude any person from walking or being on such lands for the purposes of recreation or scientific or artistic study, or to molest him in so walking or being.

Access to Mountains (Scotland).

A

BILL

To secure to the Public the right of Access to Mountains and Moorlands in Scotland.

(*Prepared and brought in by*
Mr. Bryce, Mr. J. C. Bolton,
Mr. Donald Crawford, Sir H. Davey,
Mr. Haldane, Dr. Farquharson, Mr. Leng, and
Sir Henry Roscoe.)

Ordered, by The House of Commons, *to be Printed,*
27 *November* 1890.

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[Bill 126.]

A

B I L L

TO

Amend the Law relating to Accumulations. A.D. 1891.

WHEREAS it is expedient that the beneficial enjoyment of property should not be postponed by reason of directions for accumulation:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

No accumulation beyond minority.

1. No person shall, after the *first day of January one thousand eight hundred and ninety-two*, settle or dispose of any property in such manner that the rents, issues, profits, or income thereof shall be wholly or partially accumulated for any longer or other term than during the minority or respective minorities only of any person or persons who under the uses or trusts of the instrument directing such accumulation would for the time being, if of full age, be entitled to receive the rents, issues, profits, or income so directed to be accumulated.

Result of accumulation directed contrary to this Act.

2. In every case where any accumulation shall be directed contrary to the provisions of this Act, such direction shall be null and void, and the rents, issues, profits, or income so directed to be accumulated shall go to and be received by such person as would have been entitled thereto if such accumulation had not been directed.

Partial repeal of 39 & 40 Geo. III. c. 98.

3. The statute thirty-ninth and fortieth George the Third, chapter ninety-eight, intituled "An Act to restrain all trusts and "directions in deeds or wills whereby the profits or produce of real "or personal estate shall be accumulated and the beneficial enjoy- "ment thereof postponed beyond the time therein limited," is hereby repealed as from the *first day of January one thousand eight hundred and ninety-two*, except as to deeds, wills, or other

A.D. 1891.

instruments executed before the *first day of January one thousand eight hundred and ninety-two.*

Act not to extend to Scotland.

4. This Act shall not extend to Scotland.

Short title.

5. This Act may be cited as the Accumulations Act, 1891.

Accumulations.

A

B I L L

To amend the Law relating to Accumulations.

(Prepared and brought in by Mr. Birrell, Mr. Cozens Hardy, Mr. Elton, and Mr. Neville.)

Ordered, by The House of Commons, *to be Printed.*
27 *November* 1890.

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and 21, Drury Street, Glasgow; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 125.]

Acquisition of Land (Local Authorities) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Definitions.
2. Power to take lands.
3. Notices and power of Local Government Board.
4. Restriction as to members of authority.
5. Restriction as to compulsory purchase.
6. Power to dispose of land.
7. Notice of compulsory acquisition.
8. Procedure on compulsory purchase.
9. Assessing compensation.
10. Compensation for insanitary houses.
11. Compensation for insanitary business.
12. Costs.
13. Borrowing powers.
14. Protection of dwellings of labouring classes.
15. Expenses of county council.
16. Expenses of borough council.
17. Application of Act.
18. Short title.

A

B I L L

TO

Enable Local Authorities to acquire Land.

A.D. 1891.

WHEREAS it is desirable to extend the powers of local authorities to acquire land by purchase:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Definition clause.

1. In this Act:

"Local authority" shall mean town council or county council.

"Person" includes corporations and bodies of persons whether corporate or not.

"Prescribed" means prescribed by rules to be made under this Act, and which may be from time to time made and varied by the Local Government Board.

In applying this Act to Scotland the words "Local Government Board" shall mean the Secretary for Scotland, "county court" shall mean sheriff's court, "county court judge" shall mean sheriff, "registrar of county court" shall mean sheriff's clerk, "High Court" shall mean court of session, and "any judge thereof" shall mean lord of session.

Power to take land.

2. Every local authority shall, subject to the provisions of this Act, be empowered to buy land by agreement or compulsorily for any of the following purposes, viz.:

(1.) For any purpose for which such local authority is now empowered by law to acquire land;

(2.) For the purpose of any gasworks, waterworks, street improvement, drainage, sewerage, public building, public park, or pleasure or recreation ground, public baths, washhouses or lodging houses, or for any dwellings for occupation by artizans or labourers or any allotments or cottage gardens;

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(3.) For the purpose of providing for present or prospective development of any town or village;

(4.) For the purpose of enabling any person to erect or extend any place of religious worship, or any gasworks, waterworks, docks, factories, warehouses, or other industrial works;

(5.) For the purpose of enabling any person to acquire a small holding not exceeding fifty acres in extent, or to acquire land required for the proper pursuit of any trade or industry or for any residential building, where the local authority is satisfied that it is reasonable such person should be so enabled, and that he cannot acquire such land at a reasonable price and on reasonable conditions by voluntary arrangements with the owners thereof.

A local authority shall not acquire any land under sub-sections four and five of this section unless it has first made such agreements with the person or persons for whose behalf its powers are exercised as shall, in the opinion of the local authority, secure it from any loss.

Notices and power of Local Government Board.

3. Before any local authority shall acquire or contract to acquire any land for the purposes of this Act, it shall issue the prescribed notices, and any ratepayer within the area of such local authority or any person interested in such land may make complaint to the Local Government Board in the prescribed manner on any one of the following grounds:

(*a.*) That the object of the local authority in acquiring such land is corrupt;

(*b.*) That there is no reasonable security that the local authority shall be secured from loss, in cases falling within section two sub-sections four and five of this Act.

And if, in the opinion of the Local Government Board, either of the said grounds is made good, it may prohibit the proposed acquisition, and thereupon the local authority shall not acquire the said land.

Restriction as to members of authority.

4. No local authority shall purchase any land belonging to or held in trust for any of its members, without the consent of the Local Government Board.

Restriction as to compulsory purchase.

5. With respect to land to be compulsorily acquired by a local authority under this Act, the following provisions shall have effect:

(1.) No county council other than the London County Council shall have power to acquire any land which is not within the district of such local authority, or within two miles thereof.

(2.) The London County Council may acquire land within twelve miles from Charing Cross.

(3.) No local authority shall acquire land outside its own district, without the consent under seal of the local authority within the district whereof such land is situated.

(4.) No local authority shall acquire any place of religious worship, or the grounds attached to the same, or any place of burial, or any land belonging to Her Majesty or to any other local authority, or to any railway or canal company, or any common or any place commonly used as a place of recreation open to the public.

Power to dispose of land.

6. A local authority may sell, let, or feu, on such terms as it shall think fit, any land acquired under the powers of this Act.

Compulsory powers and notices.

7. When any local authority resolves to acquire land compulsorily for the purposes of this Act, it shall be the duty of such local authority to advertise such resolution in the prescribed manner, and also to send in the prescribed manner to the President of the Local Government Board a statement of the grounds and object of such proposed purchase, together with a plan and description of all lands proposed to be purchased compulsorily.

Procedure on compulsory purchase.

8. Where the local authority is empowered to purchase land compulsorily, the following procedure shall be followed:

(1.) The local authority shall deposit with the registrar of the county court, or courts (if more than one), having jurisdiction over the district in which the same is situated, plans and schedules of all lands proposed to be taken compulsorily, together with the names, so far as the same can be reasonably ascertained, of all persons interested in the same as owners or reputed owners, lessees or reputed lessees, or occupiers. The plans shall be on such scale and framed in such manner as shall be prescribed by rules under this Act. Copies of all such plans and schedules shall be kept by the local authority at some convenient office, and shall be open to inspection there and at the county court at reasonable times.

(2.) The local authority shall publish in accordance with the rules made under this Act notices of their intention to take the scheduled lands.

(3.) Such notices as aforesaid shall be left at each house and on any land proposed to be taken, and sent by post to all such persons, so far as the same can be reasonably ascertained, who are interested as aforesaid, at the time and in the manner prescribed by the rules made under this Act.

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(4.) All persons receiving such notice as aforesaid, and all persons claiming to be interested who are aware of the proposed purchase, shall send to the local authority at the time and in the manner prescribed by the rules under this Act, a statement of their interest, and the amount of compensation they claim.

(5.) Thereafter the local authority shall in the prescribed time and manner send to each person so claiming, a statement of the sum which the local authority is prepared to pay each of them as purchase money or compensation.

(6.) Failing agreement, the amount of purchase money or compensation shall be ascertained by the judge of the said county court, or any of them if there be more than one, if the total claims in respect of one property to be adjudicated upon are less than *one thousand pounds*, and by a judge of the High Court of Justice if such total claims amount to or exceed *one thousand pounds*. The judge may in any case call in an assessor.

(7.) For the purpose of adjudicating upon the compensation to be paid for any lands taken compulsorily under this Act, all lands shall be deemed to be one property when the fee simple is vested in the same person or persons, and in such case all interests in such lands and all claims for compensation in respect thereof shall be adjudicated upon at one and the same time. Provided that the judge of the county court having jurisdiction in the district, subject to an appeal to a judge at chambers, may order that any interest or claims may be adjudicated upon separately.

(8.) Where it shall appear to be just and convenient the judge of such county court, subject to appeal to a judge at chambers, may order that any claim or claims, though not relating to the same property, shall be adjudicated upon at one and the same time; and this power shall be exercised, so far as is just and convenient, for the purpose of diminishing the cost of ascertaining the value of scheduled land.

(9.) The judge before whom any such case is tried shall have the same power of apportioning any rent-service, rentcharge, chief or other rent payment, or incumbrance, or rent payable in respect of lands comprised in a lease, as two justices have under the Lands Clauses Consolidation Act, 1845.

(10.) Subject to the provisions of this Act, no person shall be compelled to sell a part of a house, building, or manufactory, but the judge may determine that such part of any house,

building, or manufactory as is proposed to be taken by the local authority, can be taken without considerable damage to the said house, building, or manufactory, and if he so determine may award compensation in respect of the severance of the part so proposed to be taken in addition to the value of that part, and thereupon the parties interested shall sell and convey to the local authority that part without the local authority being obliged to purchase the whole of the said house, building, or manufactory.

(11.) If at or before the hearing it shall appear that any person or persons interested have not had an opportunity of making claim or of being represented or otherwise that an adjournment is proper in the interests of justice, the judge shall have power to adjourn the hearing and to direct any proper notices to be given so as to enable him to deal with all interests, and if it shall appear that any interests in the lands to be taken compulsorily are doubtful, or the parties connot be found, the judge shall have power to adjudicate upon the purchase money or compensation due in respect thereof, and to order that the sums awarded shall be paid into the Chancery Division of the High Court, there to abide the order of the said court (which may be made upon summons) or otherwise dealt with in the same way as money paid in under the Lands Clauses Consolidation Act, 1845.

(12.) After the hearing, the judge shall make an order specifiying the amount of purchase money or compensation payable in respect of each claim adjudicated upon, and the person to whom the same shall be payable, and the amount (if any) to be paid into the Chancery Division as aforesaid, specifying the interest in respect of which the same is to be paid in, and upon being satisfied that all such payments have been made, the judge shall make a final order vesting the fee simple of such lands in the local authority, and the fee simple of such lands shall so vest accordingly, and the local authority shall have an indefeasible title thereto.

(13.) In the event of any person interested in such lands, but whose interests have not been dealt with upon such hearing, making any claim within six years after the date of the final order aforesaid, the judge of the said county court, or a judge of the High Court, according as such order was made in one or other of such courts, may in the prescribed manner, upon summoning all necessary parties, make any order for compen-

A.D. 1891.

sation to such person as aforesaid from the local authority and for restitution to the local authority by any person improperly paid or his legal personal representatives.

(14.) All persons under disability shall for the purposes of this section be represented by their lawful representatives (if any), and if no such representatives already exist, then by a trustee or trustees to be appointed by a judge of the High Court or of the county court on the application of the local authority or of any party interested, and the receipt of such representative, trustee or trustees shall be a valid discharge to the local authority.

Assessing compensation.

9. In assessing the purchase money or compensation under this Act, the following rules shall apply:

(1.) The purchase money or compensation shall be the fair value of the interest of the party compensated in the said land with the buildings upon the same, and the rights incident thereto, without any addition for compulsory purchase, but with an allowance for cost and trouble of removal, re-investment, or other special circumstances, so as to indemnify any party dispossessed.

(2.) If any party dispossessed is damaged by reason of severance of lands held with the lands taken, compensation shall be allowed in respect of such severance.

(3.) When by reason of being dispossessed any party interested is affected in his business, compensation shall be given in respect thereof. But in assessing such compensation the judge shall have regard to the prospect of other premises being obtained for the purposes of the said business, and to any offer and undertaking which the local authority may make for providing such premises.

Compensation for insanitary houses.

10. On the occasion of assessing the compensation payable in respect of any house or premises, evidence shall be receivable to prove:—

(Firstly) that the rental of the house or premises was enhanced by reason of the same being used for illegal purposes or being over-crowded; or

(Secondly) that the house or premises are in such a condition as to be a nuisance, or are in a state of defective sanitation, or are in such a state of repair that the health of the inmates is thereby endangered; or

A.D. 1891.

(Thirdly) that the house or premises are unfit, and not reasonably capable of being made fit, for human habitation; and if the court is satisfied by such evidence, on any of the aforesaid matters then the compensation—

(*a.*) shall, in the first case, so far as it is based on rental, be based on the rental which would have been obtainable if the house or premises were occupied for legal purposes and only by the number of persons whom the house or premises were under all the circumstances of the case fitted to accommodate without overcrowding; and

(*b.*) shall, in the second case, be the amount estimated as the value of the house or premises if the nuisance had been abated, or if they had been put into a sanitary condition, or into reasonably good repair, after deducing the estimated expenses of abating the nuisance or putting them into such condition or repair, as the case may be; and

(*c.*) shall, in the third case, be the value of the land and of the materials of the buildings thereon, with a deduction for the cost of pulling down.

Compensation for insanitary business.

11. On the occasion of assessing the compensation payable in respect of any business, evidence shall be receivable to prove that the value of the business was enhanced by reason of the same being carried on in an illegal manner or in premises which were overcrowded or in an insanitary condition, and if the court is satisfied by such evidence on any of the said matters then the compensation for such business shall be reduced accordingly.

Costs.

12. All costs of and incidental to the compulsory acquisition of land under this Act shall be in the discretion of the judge, but such discretion shall be exercised subject to the following rules:—

(1.) The local authority shall bear the reasonable costs of every party whose interests are compulsorily taken, unless, in the opinion of the judge, such party has unreasonably refused a fair offer, or has put the local authority or other parties to unnecessary expense.

(2.) The cost of only one skilled witness to value shall be allowed to any party, unless for special reasons the judge shall otherwise order.

(3.) Separate sets of costs shall not be allowed to different parties against the local authority in respect of different interests in the same property, where, in the opinion of the judge, they ought reasonably to have incurred only one set of costs, and

A.D. 1891.

in distributing or awarding such costs as the judge shall allow, he shall have regard to the conduct of the parties.

(4.) In no case, without express order upon special grounds, shall any party be allowed for costs any sum exceeding *two hundred pounds* or *five pounds* per cent. upon the amount of compensation awarded to him, whichever shall be the smaller amount.

(5.) No such express order shall be given where the property is an unhealthy house or any part thereof or interest therein, or a house situate in an unhealthy area or any part thereof or interest therein.

Borrowing powers.

13. The local authority may, with the sanction of the Local Government Board for the purposes of this Act, borrow from the Public Works Loans Commissioners any sums necessary for such purposes on the credit of any property belonging to the said authority, or of any taxes which such authority is entitled to require to be levied and collected; and the said Public Works Loans Commissioners may, if they see fit, make any loan to such authority on such security as aforesaid at such rate of interest and on such terms as to repayment or otherwise as may be agreed: Provided that no less rate of interest than *three* per cent. per annum, and no longer term of repayment than *forty-nine years* shall be agreed to without the sanction of the Commissioners of the Treasury.

Protection of dwellings of the labouring classes.

14. In carrying out this Act by the local authority, the following rules shall be observed:—

No houses, tenements, or buildings inhabited by any persons of the labouring classes, shall be pulled down or made unfit for habitation, except on the score of safety, unless provision shall first have been made by the local authority to the satisfaction of the Local Government Board for offering decent housing to all the occupants of such houses, tenements, and buildings who may require such accommodation.

Expenses of county council.

15.—(1.) The expenses of the county council under this Act, which are not otherwise provided for, shall be treated as moneys expended for general county purposes, except so far as they are by law or under the provisions of this section to be deemed money expended for special county purposes.

(2.) If, in the opinion of the county council, any expenses under this Act ought justly to be special county expenses, they may by resolution, and with the consent of the Local Government Board, declare them to be such, and they shall be special expenses accordingly.

(3.) Words and expressions in this section shall have the same meaning as in section sixty-eight of the Local Government Act, 1888, and that section shall apply accordingly.

Expenses of borough.

16. The expenses of a borough council under this Act which are not otherwise provided for, shall be paid out of the borough fund.

Application of Act.

17. This Act shall not apply to Ireland.

Short title.

18. This Act may be cited as the Acquisition of Land (Local Authorities) Act, 1891.

Acquisition of Land (Local Authorities).

A

B I L L

To enable Local Authorities to acquire Land.

(*Prepared and brought in by Mr. Robert Reid, Earl Compton, and Mr. Winterbotham.*)

Ordered, by The House of Commons, *to be Printed,* 8 *April* 1891.

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[Bill 268.]

Agricultural Holdings Bill.

MEMORANDUM.

The object of this Bill is to consolidate the laws relating to agricultural holdings in England; to equitably extend the principles of compensation for improvements adopted in the Agricultural Holdings Act, 1883, and in the Allotments and Cottage Gardens Compensation for Crops Act, 1887; to simplify and cheapen the procedure of references and arbitrations, and by increasing the number of improvements for which compensation is payable, and by giving greater freedom both as to the making of improvements, and as to the cropping and sale of produce, to give increased inducements to the application of capital and labour to the soil.

The chief alterations made in the Agricultural Holdings Act, 1883, are as follows:—

"Sitting" tenant.

(1.) In section 1, the words "on quitting his holding" are struck out, with the object of securing compensation for improvements to a tenant who remains in his holding at the determination of his tenancy.

First-class improvements.

(2.) The number of first-class improvements for which compensation is payable is increased by the addition of the improvements mentioned in paragraph 14 of this Memorandum, and all first-class improvements are put on practically the same footing as drainage under the Agricultural Holdings Act, 1883, so that a tenant will be able to carry out any first-class improvement on giving the statutory notice to his landlord, and to obtain compensation for such improvement in the ordinary course if it adds to the value of the holding for agricultural purposes, while the landlord on receiving notice will have the opportunity either of carrying out the improvement in his own way, or of having a reference under the Act on the question whether such improvement is likely to increase or to decrease the value of the holding for agricultural purposes.

Landlord's counter claims.

(3.) The right of the landlord to make a counter claim under the Act, in respect of hay or other produce removed from a holding, or in respect of any permissive waste by the tenant, will be strictly limited to the express covenants of the contract of tenancy (*see* section 5); and no penal rent will be recoverable for a larger amount than the damage actually caused (*see* section 6).

Notice of claim.

(4.) The notice of claim required by section 7 of the Act of 1883 is amended so as to enable the tenant to make his claim up to the end of two months after the determination of the tenancy.

Method of compensating "sitting tenant."

(5.) Where compensation is payable to a "sitting tenant," provisions are made for paying such compensation either by a charge on the holding in favour of the tenant, or by a reduction of the rent for a specified period, in accordance with suggestions made by Sir James Caird in 1883. (*See* section 9.)

Arbitration by single referee.

(6.) The principle of settling cases of agricultural compensation by a reference to a single referee (unless the parties expressly agree to have two referees and an umpire) is adopted from the Scotch Act of 1889. (*See* section 10.) No appeal is allowed unless the amount claimed exceeds 500*l*. (*See* section 24.)

Official valuers.

(7.) Official valuers are to be appointed for each county by the county council, subject to the approval of the Board of Agriculture; and all referees and umpires appointed under this Act must be selected from the list of official valuers. (*See* section 30). Special provisions are made for rates of valuation and for scales of fees.

Parish valuers for allotments.

(8.) For the settlement of compensation in respect of allotments or of holdings of less than ten acres, special parish valuers are to be appointed, with reduced scale of fees. References may be made by the county or parish valuers as the tenant may prefer.

Exemptions from distress.

(9.) In Part II. of the Act the alterations of the law by the Law of Distress Amendment Act, 1888, are recognised by the omission of sections forty-nine to fifty-two inclusive, while the household goods, wearing apparel, tools, &c. upon an agricultural holding, up to the value of twenty pounds, are protected from seizure. (*See* section 54.)

Freedom of cropping and sale.

(10.) Freedom of cropping and of selling off produce from the holding is given to the tenant where an adequate return of manures has been or is to be made to the holding. (*See* section 62.)

Omission of proviso in s. 1, Act 1883.

(11.) The proviso in section one, "that in estimating the value "of any improvement there shall not be taken into account "as part of the improvement made by the tenant what is "justly due to the inherent capabilities of the soil," is omitted. (*See* section 1.)

(12.) The provisions of the Act of 1883 are extended to agricultural holdings held for a shorter period than one year, and to allotments and cottage gardens not previously included under the Act. (*See* section 56 (2)), and observe addition of words "or for any other period" in section 64, paragraph 1. Extension as to tenancies.

(13.) The Tenants' Compensation Act, 1890, giving protection to the tenants of mortgaged holdings, is embodied in this Bill with amendments rendering the recovery of compensation by the tenant more simple, and omitting the special protection to tithe (section 45); also recovery of compensation by the tenant is rendered more simple where the landlord is a trustee, &c. (section 35). Protection to tenants of mortgaged holdings.

(14.) The schedules of the Act of 1880 are altered by the union of Parts I. and II. of the First Schedule, and by the addition of special mention of sanitary improvements, labourers' cottages, water supply for labourers' cottages, and any other improvement increasing the value of the holding as an agricultural holding. The old Second Schedule is omitted as being practically repealed by the above mentioned Law of Distress Amendment Act, 1888. By virtue of section 63 a tenant will have the *option* of claiming for tillages, &c., mentioned in the new Second Schedule, in the same way as for improvements. Amendment of schedules and extension of Act to "tillages," &c.

Part II., formerly Part III., will now enable the tenant to obtain compensation for excellence in husbandry above the standard required in contract of tenancy; and consumption of feeding stuffs on the holding by "horses" is added.

Note.—The corresponding sections of the Agricultural Holdings Act, 1883 (46 & 47 Vict. c. 61), are placed in the margin of each section, in brackets thus—[Act 1883, s. 1]—to facilitate comparison. The following sections of the Act of 1883 are reproduced practically without alteration, viz., ss. 5, 8, 11–15, 17, 21, 22, 24, 25, 28, 30, 32, 33, 38–40, 47, 48. Sections 18, 34 are only altered by substitution of "one month" for 28 days, and sections 35–37 by references to the Second Schedule. Many of the other sections are altered considerably.

Agricultural Holdings Bill

ARRANGEMENT OF CLAUSES

PART I

Improvements.

Compensation for Improvements.

Clause

1. General right of tenant to compensation.
2. Notice to landlord as to improvements to which Part I
3. Power to refer to arbitration the landlord's consent to improvement.
4. Observations as to existing and future customs of tenancy.
5. Regulations as to compensation for improvements.
6. Penal terms.

Procedure.

7. Mode of intended claim.
8. Compensation agreed or settled by reference.
9. Compensation payable by tenant for deterioration of [illegible] settlement with sitting tenant. Appointment of valuer for purposes of this section.
10. Appointment of referee or referees and umpire.
11. Regulations for appointment of umpire by board of [illegible]
12. Remuneration of [illegible]
13. Mode of submission to reference.
14. Power for referee, [illegible] deterioration, allowances, &c.
15. Power to proceed to [illegible]
16. Costs of award.

[Bill 91.]

Clause.

17. Time for award of referee or referees.
18. Award in respect of compensation under ss. 2 and 4.
19. Reference to and award by umpire.
20. Award to give particulars.
21. Costs of reference.
22. Day for payment.
23. Submission not to be removable, &c.
24. Appeal to county court.
25. Recovery of compensation.
26. Appointment of guardian.
27. Provisions respecting married women.
28. Costs in county court.
29. Service of notice, &c.

Official Valuers; Rules for Valuation; Fees.

30. Public list of official valuers.
31. County council rules of valuation.
32. Fees for referees, &c.

Charge of Tenant's Compensation.

33. Power for landlord on paying compensation to obtain charge.
34. Incidence of charge.
35. Provision in case of trustee.
36. Advance made by a company.

Notice to Quit.

37. Time of notice to quit.

Fixtures.

38. Tenant's property in fixtures, machinery, &c.

Crown and Duchy Lands.

39. Application of Act to Crown Lands.
40. Application of Act to land of Duchy of Lancaster.
41. Application of Act to land of Duchy of Cornwall.

Ecclesiastical and Charity Lands.

42. Landlord, archbishop, or bishop.
43. Landlord, incumbent of benefice.
44. Landlord, charity trustees, &c.

Land in Mortgage.

Clause

45. Compensation to tenants when mortgagee is in possession.

Resumption for Improvements and Maintenance.

46. Resumption of possession for mortgage, &c.
47. Provision as to limited owners.
48. Provision in case of reservation of rent.

PART II.

Distress, and Protection of Household Goods, &c.

49. Limitation of distress in respect of amount and time.
50. Limitation of distress in respect of things to be distrained.
51. Remedy for wrongful distress under this Act.
52. Set-off of compensation against rent.
53. Exclusion of covenant.
54. Protection of household goods, &c. up to 20*l.* value.

PART III.

General Provisions.

55. Commencement of Act.
56. Holdings to which this Act applies. Extension of Act to cottage gardens, &c.
57. Avoidance of agreement inconsistent with Act.
58. Right of tenant in respect of improvement purchased from outgoing tenant.
59. Compensation under this Act to be exclusive in some cases.
60. Provision as to change of tenancy.
61. Restriction in respect of improvements by tenant about to quit.
62. Freedom of cropping and disposal of produce.
63. General saving of rights.
64. Interpretation.
65. Repeal of Act of 1883 and Tenants Compensation Act, 1890.
66. As to improvements before this Act.
67. Short title of Act.
68. Limits of Act.

Schedules.

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any compensation payable thereunder shall be deemed to be substituted for compensation under this Act, or the landlord may, unless the notice of the tenant is previously withdrawn, undertake to execute the improvement himself, and may execute the same in any reasonable and proper manner which he thinks fit, and charge the tenant with a sum not exceeding *five pounds* per centum per annum on the outlay incurred in executing the improvement, or not exceeding such annual sum payable for a period of *twenty-five years* as will repay such outlay in the said period, with interest at the rate of *three* per centum per annum, such annual sum to be recoverable as rent. In default of any such agreement or undertaking, and also in the event of the landlord failing to comply with his undertaking within a reasonable time, the tenant may execute the improvement himself, and shall in respect thereof be entitled to compensation under this Act subject to the provisions of section three of this Act.

The landlord and tenant may, if they think fit, dispense with any notice under this section, and come to an agreement in a lease or otherwise between themselves in the same manner and of the same validity as if such notice had been given.

Power to refer to arbitration on landlord's dissent from first-class improvement.

3. Whenever a tenant shall intend to execute any improvement other than drainage mentioned in the first part of the First Schedule to this Act, and shall give notice as aforesaid to the landlord or his duly authorised agent of such intention, it shall be competent for the landlord or his duly authorised agent, within two months after such notice to deliver to the tenant a declaration of his dissent in writing to such intended improvement or improvements, and the landlord may require the matter in difference to be referred to arbitration, and thereupon a reference may be had in manner provided by section ten of this Act. If the referees or umpire shall be of opinion that the improvement or improvements specified in the notice will increase the productiveness of the holding, or will enhance the value thereof, and be a suitable and a desirable improvement to the holding as an agricultural holding, they or he may award leave to the tenant to execute such improvement or improvements without conditions, or subject to such conditions as they or he may set forth in the award, and thereupon the tenant on the determination of the tenancy shall be entitled to compensation for the improvements which he shall, within *three years* after the date of the award, execute in pursuance of such leave in the same manner as if the landlord had not dissented from the making of such improvement or improvements; but if the referees or umpire refuse such leave, the tenant shall not, if he executes such

improvement within *three years* from the date of the award, be entitled to any compensation therefor. A.D. 1891.

Reservation as to existing and future contracts of tenancy. [Act 1883, s. 5.]

4. Where, in the case of a tenancy under a contract of tenancy current on the first day of January, one thousand eight hundred and eighty-four, any agreement in writing or custom, or the Agricultural Holdings (England) Act, 1875, provides specific compensation for any improvement comprised in the First Schedule hereto, compensation in respect of such improvement, although executed after the commencement of this Act, shall be payable in pursuance of such agreement, custom, or Act of Parliament, and shall be deemed to be substituted for compensation under this Act.

46 & 47 Vict. c. 61. s. 53.

Where in the case of a tenancy under a contract of tenancy beginning after the said first day of January, one thousand eight hundred and eighty-four, any particular agreement in writing secures to the tenant for any improvement mentioned in the second part of the First Schedule hereto, and executed after that date, fair and reasonable compensation, having regard to the circumstances existing at the time of making such agreement, then in such case the compensation in respect of such improvement shall be payable in pursuance of the particular agreement, and shall be deemed to be substituted for compensation under this Act.

The last preceding provision of this section relating to a particular agreement shall apply in the case of a tenancy under a contract of tenancy current on the first day of January, one thousand eight hundred and eighty-four, in respect of an improvement mentioned in the second part of the First Schedule hereto, other than that numbered (24), specific compensation for which is not provided by any agreement in writing, or custom, or the Agricultural Holdings Act, 1875.

Regulations as to Compensation for Improvements.

Regulations as to compensation for improvements. [Act 1883, s. 6.]

5. In the ascertainment of the amount of the compensation under this Act payable to the tenant in respect of any improvement there shall be taken into account in reduction thereof:

(*a.*) Any benefit which the landlord has given or allowed to the tenant in consideration of the tenant executing the improvement; and

(*b.*) In the case of compensation for manures the value of the manure that would have been produced by the consumption on the holding of any hay, straw, roots, or green crops sold off or removed, contrary to the terms of the tenancy, from the

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holding within the last year of the tenancy or other less time for which the tenancy has endured, except as far as a proper return of manure to the holding has been made in respect of such produce so sold off or removed therefrom; and

(*c.*) Any sums due to the landlord in respect of rent or in respect of any waste committed by the tenant, or in respect of any breach of covenant or other agreement connected with the contract of tenancy committed by the tenant, also any taxes and rates due or becoming due in respect of the holding to which the tenant is liable as between him and the landlord.

There shall be taken into account in augmentation of the tenant's compensation—

(*d.*) Any sum due to the tenant for compensation in respect of a breach of covenant or other agreement connected with a contract of tenancy and committed by the landlord.

Nothing in this section shall enable a landlord to obtain under this Act compensation in respect of waste by the tenant, or of breach of covenant by the tenant, committed or permitted in relation to a matter of husbandry more than four years before the determination of the tenancy, or shall authorise the taking into account of permissive waste by any tenant from year to year, except so far as such tenant may be under an express covenant to repair.

Penal rents.

6. Where any claim is made by the landlord, either in pursuance of the preceding section, or by action or otherwise, for any penal or additional rent or payment (and whether expressed to be liquidated damages or not) in respect of any breach or non-performance of any covenant or other agreement connected with the contract of tenancy, the sum taken into account in reduction of compensation, or recoverable by action or otherwise, shall be limited to the damages actually suffered by the landlord from any such default notwithstanding any provision in the contract of tenancy.

Where any action is brought, or proceeding taken by the landlord for rent, or any other matters mentioned in section five of this Act, it shall be lawful for the tenant to counter-claim for any matters for which he is entitled to claim compensation under this Act instead of proceeding to a reference hereunder.

Procedure.

Notice of intended claim.

7. A tenant claiming compensation under this Act shall, either before or within two months after the determination of the tenancy,

give notice in writing to the landlord of his intention to make such claim.

[Act 1883, s. 7.]

Where a tenant gives such notice, the landlord may, before the determination of the tenancy, or within fourteen days after receipt of such notice, give a counter-notice in writing to the tenant of his intention to make a claim in respect of any waste or any breach of covenant or other agreement.

Every such notice and counter-notice shall state, as far as reasonably may be, the particulars and amount of the intended claim; but no notice or counter-notice shall be invalid for want of particularity.

Compensation agreed or settled by reference. [Act 1883, s. 8.]

8. The landlord and the tenant may agree on the amount and mode and time of payment of compensation to be paid under this Act. If in any case they do not so agree the difference shall be settled by a reference.

Compensation payable by charge or reduction of rent, by agreement with sitting tenant.

9.—(1.) Compensation where payable to a tenant remaining in his holding after the determination of a tenancy under a new contract of tenancy (who is herein-after called a sitting tenant) may, if the landlord and tenant so agree, be made payable in yearly or half-yearly instalments, and may be charged by the landlord on the holding, by executing an agreement in writing for that purpose, or may be paid by reduction of rent for a period specified in such agreement.

See 46 & 47 Vict. c. 61. s. 29.

(2.) But where the landlord is not absolute owner of the holding for his own benefit, the period for which such charge shall be payable, or reduction of rent shall be made, shall not exceed the time when the improvement in respect whereof the compensation is to be paid, will, where an award has been made, be taken to have been exhausted according to the declaration of the award, and in any other case, after the time when any such improvement will, in the opinion of a valuer (to be appointed as herein-after provided), become exhausted, and also the period, to be specified as aforesaid, shall not exceed the length of the term of the tenancy which is commencing, or in the case of a tenancy from year to year, seven years.

(3.) The instalments shall be charged in favour of the tenant, his executors, administrators, and assigns.

(4.) The provisions of sections thirty-three and forty-four of this Act shall apply to charges under this section, and the instalments charged by the landlord under this section shall have like incidence and effect, and be subject to the like limitation, as a charge under this Act is by virtue of section thirty-four thereof.

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(5.) In case a tenant, after so obtaining a charge or reduction of rent under this section, shall afterwards quit the holding on the determination of his tenancy, before the expiration of the period for which the instalments of such charge have been made payable, or for which such reduction of rent has been fixed, the then present value of any instalments charged on the holding and remaining unpaid (interest in either case being calculated at *five* per centum per annum) or the sum representing the then present value of the reduction of rent, of which the tenant has not yet received the benefit, shall become immediately payable to the tenant as compensation payable under this Act.

Appointment of valuer for purposes of this section.
See s. 30.

(6.) A valuer, for the purposes of this section only, shall be appointed if the landlord and the tenant concur by them jointly; if, in any case, they do not so concur, then by the county court on the application of either the landlord or the tenant, and shall be selected from the list of agricultural valuers herein-after mentioned.

Appointment of referee or referees and umpire.
[Act 1883, s. 9.]

10. Where there is a reference under this Act, a referee, or two referees and an umpire, shall be appointed as follows:—

(1.) If the parties concur, there may be a single referee appointed by them jointly.

(2.) If the parties do not concur in the appointment of a single referee, then on the application of either party, the county court shall appoint a competent and impartial person selected by such court from the list of agricultural valuers herein-after mentioned, to be referee, unless the parties shall agree that each shall appoint and shall each appoint a referee.

s. 30.

(3.) If before award the single referee dies or becomes incapable of acting, or for seven days after notice from the parties or either of them requiring him to act, fails to act, the proceedings shall begin afresh, as if no referee had been appointed.

(4.) If before award one of two referees dies or becomes incapable of acting, or for seven days after notice from either party requiring him to act, fails to act, the party appointing him shall appoint another referee.

(5.) Notice of every appointment of a referee by either party shall be given to the other party.

(6.) If for fourteen days after notice by one party to the other to appoint a referee, or another referee, the other party fails to do so, then, on the application of the party giving notice, the county court shall within fourteen days appoint a competent

and impartial person to be a referee selected from the said list of agricultural valuers.

(7.) Where two referees are appointed, then (subject to the provisions of this Act) they shall before they enter on the reference appoint an umpire.

(8.) If before award an umpire dies or becomes incapable of acting, the referees shall appoint another umpire.

(9.) If for seven days after request from either party the referees fail to appoint an umpire, or another umpire, then, on the application of either party, the county court shall within fourteen days appoint a competent and impartial person to be the umpire, selected from the said list of agricultural valuers.

(10.) Every appointment, notice, and request under this section shall be in writing.

Requisition for appointment of umpire by Board of Agriculture. [Act 1883, s. 10.]

11. Provided that, where two referees are appointed, if either party, on appointing a referee, requires, by notice in writing to the other, that the umpire shall be appointed by the Board of Agriculture, then the umpire, and any successor to him, shall be appointed, on the application of either party, by the said Board, and shall be selected from the said list of agricultural valuers.

Exercise of powers of county court. [Act 1883, s. 11.]

12. The powers of the county court under this Act relative to the appointment of a referee or umpire shall be exerciseable by the judge of the court having jurisdiction, whether he is without or within his district, and may, by consent of the parties, be exercised by the registrar of the court.

Mode of submission to reference. [Act 1883, s. 12.]

13. The delivery to a referee of his appointment shall be deemed a submission to a reference by the party delivering it; and neither party shall have power to revoke a submission, or the appointment of a referee, without the consent of the other.

Power for referee, &c. to require production of documents, administer oaths, &c. [Act 1883, s. 13.]

14. The referee or referees or umpire may call for the production of any sample, or voucher, or other document, or other evidence which is in the possession or power of either party, or which either party can produce, and which to the referee or referees or umpire seems necessary for determination of the matters referred, and may take the examination of the parties and witnesses on oath, and may administer oaths and take affirmations; and if any person so sworn or affirming wilfully and corruptly gives false evidence he shall be guilty of perjury.

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Power to proceed in absence. [Act 1883, s. 14.]

15. The referee or referees or umpire may proceed in the absence of either party where the same appears to him or them expedient, after notice given to the parties.

Form of award. [Act 1883, s. 15.]

16. The award shall be in writing, signed by the referee or referees or umpire.

Time for award of referee or referees. [Act 1883, s. 16.]

17. A single referee shall make his award ready for delivery within one month after his appointment, or within such extended time (if any) as the registrar of the county court from time to time appoints on the application of the referee or of either party, made before the expiration of the time appointed by or extended under this section, but so that the referee shall make his award ready for delivery within a time not exceeding in the whole two months after his appointment.

Two referees shall make their award ready for delivery within one month after the appointment of the last appointed of them, or within such extended time (if any) as they from time to time jointly fix by writing under their hands, so that they make their award ready for delivery within a time not exceeding in the whole two months after the appointment of the last appointed of them.

Award in respect of compensation under ss. 2 and 4. [Act 1883, s. 17.]

18. In any case provided for by sections two or four, if compensation is claimed under this Act, such compensation as under either of those sections is to be deemed to be substituted for compensation under this Act, if and so far as the same can, consistently with the terms of the agreement, if any, be ascertained by the referees or the umpire, shall be awarded in respect of any improvements thereby provided for, and the award shall, when necessary, distinguish such improvements and the amount awarded in respect thereof; and an award given under this section shall be subject to the appeal provided by this Act.

Reference to and award by umpire. [Act 1883, s. 18.]

19. Where two referees are appointed and act, if they fail to make their award ready for delivery within the time aforesaid, then, on the expiration of that time, their authority shall cease, and thereupon the matters referred to them shall stand referred to the umpire.

The umpire shall make his award ready for delivery within one month after notice in writing given to him by either party or referee of the reference to him, or within such extended time (if any) as the registrar of the county court from time to time appoints, on the application of the umpire or of either party, made before the expiration of the time appointed by or extended under this section.

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20. The award shall not award a sum generally for compensation, but shall, so far as possible, specify,—

Award to give particulars. [Act 1883, s. 19.]

(*a.*) The several improvements, acts, and things in respect whereof compensation is awarded, and the several matters and things taken into account under the provisions of this Act in reduction or augmentation of such compensation;

(*b.*) The time at which each improvement, act, or thing was executed, done, committed, or permitted;

(*c.*) The sum awarded in respect of each improvement, act, matter, and thing; and

(*d.*) Where the landlord desires to charge his estate with the amount of compensation found due to the tenant, or in the case of a sitting tenant to pay the same by a reduction of rent, the time at which, for the purposes of such charge, each improvement, act, or thing in respect of which compensation is awarded is to be deemed to be exhausted.

Costs of reference. s. 32. [Act 1883, s. 20.]

21. The costs of and attending the reference, including the remuneration of the referee or referees and umpire, where the umpire has been required to act, and including other proper expenses (such remuneration and expenses not to exceed the scale herein-after provided), shall be borne and paid by the parties in such proportion as to the referee or referees or umpire appears just, regard being had to the reasonableness or unreasonableness of the claim of either party in respect of amount, or otherwise, and to all the circumstances of the case.

The award may direct the payment of the whole or any part of the costs aforesaid by the one party to the other.

The costs aforesaid shall be subject to taxation by the registrar of the county court, on the application of either party, but that taxation shall be subject to review by the judge of the county court.

Day for payment. [Act 1883, s. 21.]

22. The award shall fix a day, not sooner than one month after the delivery of the award, for the payment of money awarded for compensation, costs, or otherwise.

Submission not to be removable, &c. [Act 1883, s. 22.]

23. A submission or award shall not be made a rule of any court, or be removable by any process into any court, and an award shall not be questioned otherwise than as provided by this Act.

Appeal to county court. [Act 1883, s. 23.]

24. Where the sum claimed for compensation exceeds *five hundred pounds*, either party may, within seven days after delivery of the award, appeal against it to the judge of the county court on all or any of the following grounds:

1. That the award is invalid;

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2. That the award proceeds wholly or in part upon an improper application of or upon the omission properly to apply the special provisions of sections two or four of this Act;

3. That compensation has been awarded for improvements, acts, or things, breaches of covenants or agreements, or for committing or permitting waste, in respect of which the party claiming was not entitled to compensation;

4. That compensation has not been awarded for improvements, acts, or things, breaches of covenants or agreements, or for committing or permitting waste, in respect of which the party claiming was entitled to compensation;

and the judge shall hear and determine the appeal, and may, in his discretion, remit the case to be reheard as to the whole or any part thereof by the referee or referees or umpire, with such directions as he may think fit.

If no appeal is so brought, the award shall be final.

The decision of the judge of the county court on appeal shall be final, save that the judge may (if he shall think fit), at the request of either party, state a special case on a question of law for the judgment of the High Court, and the decision of the High Court on the case, and respecting costs and any other matter connected therewith, shall be final, and the judge of the county court shall act thereon.

Recovery of compensation. [Act 1883, s. 24.]

25. Where any money agreed or awarded or ordered on appeal to be paid for compensation, costs, or otherwise, is not paid within fourteen days after the time when it is agreed or awarded or ordered to be paid, it shall be recoverable, upon order made by the judge of the county court, as money ordered by a county court under its ordinary jurisdiction to be paid is recoverable.

Appointment of guardian. [Act 1883, s. 25.]

26. Where a landlord or tenant is an infant without a guardian, or is of unsound mind, not so found by inquisition, the county court, on the application of any person interested, may appoint a guardian of the infant or person of unsound mind for the purposes of this Act, and may change the guardian if and as occasion requires.

Provisions respecting married women. 45 & 46 Vict. c. 75. [Act 1883, s. 26.]

27. Where any woman married before the commencement of the Married Women's Property Act, 1882, is desirous of doing any act under this Act in respect of land, her title to which accrued before such commencement as aforesaid, her husband's concurrence shall be requisite. Except as aforesaid, a married woman shall for all the purposes of this Act be in respect of land as if she was unmarried.

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28. The costs of proceedings in the county court under this Act shall be in the discretion of the court.

Costs in county court. [Act 1883, s. 27.]

The Lord Chancellor may from time to time prescribe a scale of costs for those proceedings, and of costs to be taxed by the registrar of the court, other than those provided for by section thirty-two of this Act.

Service of notice, &c. [Act 1883, s. 28.]

29. Any notice, request, demand, or other instrument under this Act may be served on the person to whom it is to be given, either personally or by leaving it for him at his last known place of abode in England or Wales, or by sending it through the post in a registered letter addressed to him there; and if so sent by post it shall be deemed to have been served at the time when the letter containing it would be delivered in ordinary course; and in order to prove service by letter it shall be sufficient to prove that the letter was properly addressed and posted, and that it contained the notice, request, demand, or other instrument to be served.

Official Valuers; Rules for Valuation; Fees.

Public list of official valuers.

30. The county council for every county (other than the metropolis and the county of a city, town, or borough), shall from time to time appoint such number of fit persons as they shall think fit to be agricultural valuers for such county for a period not exceeding three years and shall forward the names of such persons to the Board of Agriculture, and such of them as the said Board shall approve of, shall be and become official agricultural valuers under this Act for such county, and the Board of Agriculture shall publish a list of them, and the county court and the Board of Agriculture shall appoint all referees and umpires to be appointed by them from the list for the county in which the holding, or some part of the holding with reference to which such appointment is made, is situate.

52 & 53 Vict. c. 30. s. 2. (1) (*b*).

(2.) In appointing a referee or umpire with reference to any holding which is not wholly or in part within any such county as aforesaid, the county court and Board of Agriculture shall select a person from the list of valuers of any county.

(3.) If any official agricultural valuer shall be proved to the satisfaction of the said Board of Agriculture to be incompetent or guilty of any misconduct in the execution of his duty as a referee or umpire, he shall be liable to have his appointment summarily cancelled by the said Board.

(4.) Until representative parish boards or councils shall have been established under any Act of any future session of Parliament,

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and the duty of such appointment shall have been assigned under any such Act to such boards or councils, the county council shall from time to time appoint for each parish, or for adjoining parishes containing together a population not exceeding two thousand, one or more fit persons at their discretion to be parish valuers in the case of allotments or holdings of less than ten acres within such parish or parishes, and any referee, or referees and umpire under this Act in the case of an allotment or holding of less than ten acres, may be selected either from the official list of agricultural valuers for the county, or from the list of persons appointed under this sub-section to be parish valuers, as the tenant in any case may prefer.

County council rules of valuation.

31. The council of any county whatsoever may, if it shall think fit, and with the approval of the Board of Agriculture, prescribe rules of valuation for the guidance of referees and umpires appointed by the county court and the said Board, and it shall be the duty of such referees and umpires, when valuing within such county, to value in accordance with such rules; Provided always that disregard of such rules shall form no ground of appeal against any award, nor for any legal proceedings against the valuer so disregarding such rules, but the Board of Agriculture may treat such disregard as misconduct.

Fees for referees, &c.

32. Referees, umpires, and valuers appointed under this Act (other than those appointed by the parties) shall be paid according to a rate of charges fixed by the Board of Agriculture, and the said Board may from time to time revise and alter such rate, and shall in any such rate of charges provide a special rate for allotments or holdings of less than ten acres.

Charge of Tenant's Compensation.

Power for landlord on paying compensation to obtain charge. [Act 1883, s. 29.]

33. A landlord, on paying to the tenant the amount due to him in respect of compensation under this Act, or in respect of compensation authorised by this Act to be substituted for compensation under this Act, or on expending such amount as may be necessary to execute an improvement under the first part of the First Schedule hereto, after notice given by the tenant of his intention to execute such improvement in accordance with this Act, shall be entitled to obtain from the county court a charge on the holding, or any part thereof, to the amount of the sum so paid or expended.

The court shall, on proof of the payment or expenditure, and on being satisfied of the observance in good faith by the parties

of the conditions imposed by this Act, make an order charging the holding, or any part thereof, with repayment of the amount paid or expended, with such interest, and by such instalments, and with such directions for giving effect to the charge, as the court thinks fit.

But where the landlord obtaining the charge is not absolute owner of the holding for his own benefit, no instalment or interest shall be made payable after the time when the improvement in respect whereof compensation is paid will, where an award has been made, be taken to have been exhausted according to the declaration of the award, and in any other case after the time when any such improvement will in the opinion of the court, after hearing such evidence (if any) as it thinks expedient, have become exhausted.

The instalments and interest shall be charged in favour of the landlord, his executors, administrators, and assigns.

The estate or interest of any landlord holding for an estate or interest determinable or liable to forfeiture by reason of his creating or suffering any charge thereon, or disentitling himself to receive the income thereof, shall not be determined or forfeited by reason of his obtaining or giving a charge or agreeing for any reduction of rent under this Act, anything in any deed, will, or other instrument to the contrary thereof notwithstanding.

Capital money arising under the Settled Land Act, 1882, may be applied in payment of any moneys expended and costs incurred by a landlord under or in pursuance of this Act in or about the execution of any improvement mentioned in the first part of the schedule hereto, as for an improvement authorised by the said Settled Land Act; and such money may also be applied in discharge of any charge created on a holding under or in pursuance of this Act in respect of any such improvement as aforesaid, as in discharge of an incumbrance authorised by the said Settled Land Act to be discharged out of such capital money. 45 & 46 Vict. c. 38.

34. The sum charged by the order of a county court under this Act shall be a charge on the holding, or the part thereof charged, for the landlord's interest therein, and for all interests therein subsequent to that of the landlord; but so that the charge shall not extend beyond the interest of the landlord, his executors, administrators, and assigns, in the tenancy where the landlord is himself a tenant of the holding. Incidence of charge. [Act 1883, s. 30.]

35. Where the landlord is a person entitled to receive the rents and profits of any holding as trustee, or in any character otherwise Provision in case of trustee.

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[Act 1883, s. 31.]

than for his own benefit, the amount due from such landlord in respect of compensation under this Act, or in respect of compensation authorised by this Act to be substituted for compensation under this Act, shall be recoverable personally against such landlord, but:—

(1.) Such landlord shall, either before or after having paid to the tenant the amount due to him, be entitled to obtain from the county court a charge on the holding to the amount of the sum required to be paid or which has been paid, as the case may be, to the tenant.

(2.) If such landlord neglect or fail within one month after the determination of the tenancy or the amount has become due whichever shall last happen to pay to the tenant the amount due to him, then after the expiration of such one month the tenant shall be entitled to obtain from the county court in favour of himself, his executors, administrators, and assigns, a charge on the holding to the amount of the sum due to him, and of all costs properly incurred by him in obtaining the charge or in raising the amount due thereunder.

(3.) The court shall on proof of the tenant's title to have a charge made in his favour make an order charging the holding with payment of the amount of the charge, including costs, in like manner and form as in case of a charge which a landlord is entitled to obtain.

(4.) A charge under this section or under section thirty-three of this Act shall be a land charge within the meaning of the Land Charges Registration and Searches Act, 1888, and shall be registered accordingly.

53 & 54 Vict. c. 57. s. 3.

Advance made by a company. [Act 1883, s. 32.]

36. Any company now or hereafter incorporated by Parliament, and having power to advance money for the improvement of land, may take an assignment of any charge made by a county court under the provisions of this Act, upon such terms and conditions as may be agreed upon between such company and the person entitled to such charge; and such company may assign any charge so acquired by them to any person or persons whomsoever.

Notice to Quit.

Time of notice to quit. [Act 1883, s. 33.]

37. Where a half year's notice, expiring with a year of tenancy is by law necessary and sufficient for determination of a tenancy from year to year, in the case of any such tenancy under a contract of tenancy made either before or after the commencement of this Act, a year's notice so expiring shall by virtue of this Act be necessary and sufficient for the same, unless the landlord and

tenant of the holding, by writing under their hands, agree that this section shall not apply, in which case a half year's notice shall continue to be sufficient; but nothing in this section shall extend to a case where the tenant is adjudged bankrupt, or has filed a petition for a composition or arrangement with his creditors.

Fixtures.

Tenant's property in fixtures, machinery, &c. [Act 1883, s. 34.]

38. Where after the first day of January, one thousand eight hundred and eighty-four, a tenant has affixed, or shall hereafter affix, to his holding any engine, machinery, fencing, or other fixture, or erects any building for which he is not under this Act or otherwise entitled to compensation, and which is not so affixed or erected in pursuance of some obligation in that behalf or instead of some fixture or building belonging to the landlord, then such fixture or building shall be the property of and be removable by the tenant before or within a reasonable time after the termination of the tenancy.

Provided as follows :—

1. Before the removal of any fixture or building the tenant shall pay all rent owing by him, and shall perform or satisfy all other his obligations to the landlord in respect to the holding:
2. In the removal of any fixture or building the tenant shall not do any avoidable damage to any other building or other part of the holding:
3. Immediately after the removal of any fixture or building the tenant shall make good all damage occasioned to any other building or other part of the holding by the removal:
4. The tenant shall not remove any fixture or building without giving one month's previous notice in writing to the landlord of the intention of the tenant to remove it:
5. At any time before the expiration of the notice of removal the landlord, by notice in writing given by him to the tenant, may elect to purchase any fixture or building comprised in the notice of removal, and any fixture or building thus elected to be purchased shall be left by the tenant, and shall become the property of the landlord, who shall pay the tenant the fair value thereof to an incoming tenant of the holding; and any difference as to the value shall be settled by a reference under this Act, as in case of compensation (but without appeal).

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Crown and Duchy Lands.

Application of Act to Crown lands. [Act 1883, s. 35.]

39. This Act shall extend and apply to land belonging to Her Majesty the Queen, Her heirs and successors, in right of the Crown.

With respect to such land, for the purposes of this Act, the Commissioners of Woods and Forests, or one of them, or other the proper officer or body having charge of such land for the time being, or in case there is no such officer or body, then such person as Her Majesty, Her heirs or successors may appoint in writing under the Royal Sign Manual, shall represent Her Majesty, Her heirs and successors, and shall be deemed to be the landlord.

Any compensation payable under this Act by the Commissioners of Woods and Forests, or either of them, in respect of an improvement mentioned in the first part of the First Schedule hereto, shall be deemed to be payable in respect of an improvement of land within section one of the Crown Lands Act, 1866, and the amount thereof shall be charged and repaid as in that section provided with respect to the costs, charges, and expenses therein mentioned.

Any compensation payable under this Act by those Commissioners, or either of them, in respect of an improvement mentioned in the second part of the First Schedule hereto, or in the Second Schedule hereto, shall be deemed to be part of the expenses of the management of the Land Revenues of the Crown, and shall be payable to those Commissioners out of such money and in such manner as the last-mentioned expenses are by law payable.

Application of Act to land of Duchy of Lancaster. [Act 1883, s. 36.]

40. This Act shall extend and apply to land belonging to Her Majesty, Her heirs and successors, in right of the Duchy of Lancaster.

With respect to such land for the purposes of this Act, the Chancellor for the time being of the Duchy shall represent Her Majesty, Her heirs and successors, and shall be deemed to be the landlord.

The amount of any compensation payable under this Act by the Chancellor of the Duchy in respect of an improvement mentioned in the first part of the First Schedule to this Act shall be deemed to be an expense incurred in improvement of land belonging to Her Majesty, Her heirs or successors, in right of the Duchy within section twenty-five of the Act of the fifty-seventh year of King George the Third, chapter ninety-seven, and shall be raised and

paid as in that section provided with respect to the expenses therein mentioned.

The amount of any compensation payable under this Act by the Chancellor of the Duchy in respect of an improvement mentioned in the second part of the First Schedule to this Act, or in the Second Schedule hereto, shall be paid out of the annual revenues of the Duchy.

Application of Act to land of Duchy of Cornwall. [Act 1883, s. 37.]

41. This Act shall extend and apply to land belonging to the Duchy of Cornwall.

With respect to such land, for the purposes of this Act, such person as the Duke of Cornwall for the time being, or other the personage for the time being entitled to the revenues and possessions of the Duchy of Cornwall, from time to time, by sign manual warrant, or otherwise, appoints, shall represent the Duke of Cornwall or other the personage aforesaid, and be deemed to be the landlord, and may do any act or thing under this Act which a landlord is authorised or required to do thereunder.

Any compensation payable under this Act by the Duke of Cornwall, or other the personage aforesaid, in respect of an improvement mentioned in the first part of the First Schedule to this Act shall be deemed to be payable in respect of an improvement of land within section eight of the Duchy of Cornwall Management Act, 1863, and the amount thereof may be advanced and paid from the money mentioned in that section, subject to the provision therein made for repayment of sums advanced for improvements.

26 & 27 Vict. c. 49.

Ecclesiastical and Charity Lands.

Landlord, archbishop, or bishop. [Act 1883, s. 38.]

42. Where lands are assigned or secured as the endowment of a see, the powers by this Act conferred on a landlord shall not be exercised by the archbishop or bishop, in respect of those lands, except with the previous approval in writing of the Estates Committee of the Ecclesiastical Commissioners.

Landlord, incumbent of benefice. [Act 1883, s. 39.]

43. Where a landlord is incumbent of an ecclesiastical benefice, the powers by this Act conferred on a landlord shall not be exercised by him in respect of the glebe land or other land belonging to the benefice, except with the previous approval in writing of the patron of the benefice, that is, the person, officer, or authority who, in case the benefice were vacant, would be entitled to present thereto, or of Queen Anne's Bounty.

52 & 53 Vict. c. 63. s. 12 (16).

In every such case Queen Anne's Bounty may, if they think fit, on behalf of the incumbent, out of any money in their hands, pay

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to the tenant the amount of compensation due to him under this Act; and thereupon they may, instead of the incumbent, obtain from the county court a charge on the holding, in respect thereof, in favour of themselves.

Every such charge shall be effectual, notwithstanding any change of the incumbent.

Landlord, charity trustees, &c. [Act 1883, s. 40.]

44. The powers by this Act conferred on a landlord in respect of charging the land shall not be exercised by trustees for ecclesiastical or charitable purposes, except with the previous approval in writing of the Charity Commissioners.

Land in Mortgage.

Compensation to tenants when mortgagee is in possession. [*See* Tenants' Compensation Act, 1890.]

45. Where a person occupies land under a contract of tenancy with the mortgagor, whether made before or after the passing of this Act, which is not binding on the mortgagee of such land, then—

(1.) The occupier shall, as against the mortgagee who takes possession, be entitled to any compensation which is, or would but for the mortgagee taking possession be due to the occupier from the mortgagor as respects crops, improvements, tillages, or other matters connected with the land, whether under this Act or the Allotments and Cottage Gardens Compensation for Crops Act, 1887, or the custom of the country, or agreements sanctioned by this Act or the last-mentioned Act of 1887.

50 & 51 Vict. c. 26.

(2.) Any sum ascertained to be due to the occupier for such compensation or for any costs connected therewith, may be set off against any rent or other sum due from him in respect of the land, and recovered as compensation under this Act or the said Act of 1887, and may, as against the mortgagee, be recovered as if the mortgagee were the landlord, and any sum so paid by the mortgagee may be added by him to his security.

(3.) Before the mortgagee deprives the occupier of possession of the land otherwise than in accordance with the said contract, he shall give to the occupier six months' notice in writing of his intention so to deprive him, and if he so deprives him compensation shall be due to the occupier for his crops, and for any expenditure upon the land which he has made in the expectation of holding the land for the full term of his contract of tenancy, in so far as any improvement resulting therefrom is not exhausted at the time of his being so deprived, and such compensation shall be determined in like manner as compensation under this Act or the said Act of 1887, and shall

be set off and recovered in manner before provided in this section. This sub-section shall only apply where the said contract is for a tenancy from year to year, or for a year or any less term, or for a term of years not exceeding twenty-one, at a rack-rent. A.D. 1891.

Resumption for Improvements, and Miscellaneous.

Resumption of possession for cottages, &c. [Act 1883, s. 41.]

46. Where on a tenancy from year to year a notice to quit is given by the landlord with a view to the use of land for any of the following purposes:

The erection of farm labourers cottages or other houses, with or without gardens;

The providing of gardens for existing farm labourers cottages or other houses;

The allotment for labourers of land for gardens or other purposes;

The planting of trees;

The opening or working of any coal, ironstone, limestone, or other mineral, or of a stone quarry, clay, sand, or gravel pit, or the construction of any works or buildings to be used in connexion therewith;

The obtaining of brick earth, gravel, or sand;

The making of a watercourse, or reservoir, or providing water supply;

The making of any road, railway, tramroad, siding, canal, or basin, or any wharf, pier, or other work connected therewith, or any sanitary works or improvements;

and the notice to quit so states, then it shall, by virtue of this Act, be no objection to the notice that it relates to part only of the holding.

In every such case the provisions of this Act respecting compensation shall apply as on determination of a tenancy in respect of an entire holding.

The tenant shall also be entitled to a proportionate reduction of rent in respect of the land comprised in the notice to quit, and in respect of any depreciation of the value to him of the residue of the holding, caused by the withdrawal of that land from the holding or by the use to be made thereof, and the amount of that reduction shall be ascertained by agreement or settled by a reference under this Act, as in case of compensation (but without appeal).

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The tenant shall further be entitled, at any time within one month after service of the notice to quit, to serve on the landlord a notice in writing to the effect that he (the tenant) accepts the same as a notice to quit the entire holding, to take effect at the expiration of the then current year of tenancy; and the notice to quit shall have effect accordingly.

Provision as to limited owners.
[Act 1883, s. 42.]

47. Subject to the provisions of this Act in relation to Crown, duchy, ecclesiastical, and charity lands, a landlord, whatever may be his estate or interest in his holding, may give any consent, make and vary any agreement, or do or have done to him any act in relation to improvements in respect of which compensation is payable under this Act which he might give or make or do or have done to him if he were in the case of an estate of inheritance owner thereof in fee, and in the case of a leasehold possessed of the whole estate in the leasehold.

Provision in case of reservation of rent.
[Act 1883, s. 43.]

48. When, by any Act of Parliament, deed, or other instrument, a lease of a holding is authorised to be made, provided that the best rent, or reservation in the nature of rent, is by such lease reserved, then, whenever any lease of a holding is, under such authority, made to the tenant of the same, it shall not be necessary, in estimating such rent or reservation, to take into account against the tenant the increase (if any) in the value of such holding arising from any improvements made or paid for by him on such holding.

PART II.

Distress, and Protection of Household Goods, &c.

Limitation of distress in respect of amount and time.
[Act 1883, s. 44.]

49. After the commencement of this Act it shall not be lawful for any landlord entitled to the rent of any holding to which this Act applies to distrain for rent which became due in respect of such holding more than one year before the making of such distress.

Provided that where it appears that according to the ordinary course of dealing between the landlord and tenant of a holding the payment of the rent of such holding has been allowed to be deferred until the expiration of a quarter of a year or half a year after the date at which such rent legally became due, then for the purpose of this section the rent of such holding shall be deemed to have become due at the expiration of such quarter or half year

as aforesaid, as the case may be, and not at the date at which it legally became due. A.D. 1891.

Limitation of distress in respect of things to be distrained. [Act 1883, s. 45.]

50. Where live stock belonging to another person has been taken in by the tenant of a holding to which this Act applies to be fed at a fair price agreed to be paid for such feeding by the owner of such stock to the tenant, such stock shall not be distrained by the landlord for rent where there is other sufficient distress to be found, and if so distrained by reason of other sufficient distress not being found, there shall not be recovered by such distress a sum exceeding the amount of the price so agreed to be paid for the feeding, or if any part of such price has been paid exceeding the amount remaining unpaid, and it shall be lawful for the owner of such stock, at any time before it is sold, to redeem such stock by paying to the distrainer a sum equal to such price as aforesaid, and any payment so made to the distrainer shall be in full discharge as against the tenant of any sum of the like amount which would be otherwise due from the owner of the stock to the tenant in respect of the price of feeding: Provided always, that so long as any portion of such live stock shall remain on the said holding the right to distrain such portion shall continue to the full extent of the price originally agreed to be paid for the feeding of the whole of such live stock, or if part of such price has been bonâ fide paid to the tenant under the agreement, then to the full extent of the price then remaining unpaid.

Agricultural or other machinery which is the bonâ fide property of a person other than the tenant, and is on the premises of the tenant under a bonâ fide agreement with him for the hire or use thereof in the conduct of his business, and live stock of all kinds which is the bonâ fide property of a person other than the tenant, and is on the premises of the tenant solely for breeding purposes, shall not be distrained for rent in arrear.

In this section "price" shall be deemed to include any valuable consideration in money's worth, and the word "paid" shall include the giving of such consideration. [*See* London and Yorkshire Bank v. Belton, 15 Q.B. Div., 457.]

Remedy for wrongful distress under this Act. [Act 1883, s. 46.]

51. Where any dispute arises—

(*a*) in respect of any distress having been levied contrary to the provisions of this Act; or

(*b*) as to the ownership of any live stock distrained, or as to the price to be paid for the feeding of such stock; or

(*c*) as to any other matter or thing relating to a distress on a holding to which this Act applies:

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such dispute may be heard and determined by the county court or by a court of summary jurisdiction, and any such county court or court of summary jurisdiction may make an order for restoration of any live stock or things unlawfully distrained, or may declare the price agreed to be paid in the case where the price of the feeding is required to be ascertained, or may make any other order which justice requires: any such dispute as mentioned in this section shall be deemed to be a matter in which a court of summary jurisdiction has authority by law to make an order on complaint in pursuance of the Summary Jurisdiction Acts; but any person aggrieved by any decision of such court of summary jurisdiction under this section may, on giving such security to the other party as the court may think just, appeal to a court of quarter sessions.

Set-off of compensation against rent.
[Act 1883, s. 47.]

52. Where the compensation due under this Act, or under any custom or contract, to a tenant has been ascertained before the landlord distrains for rent due, the amount of such compensation may be set off against the rent due, and the landlord shall not be entitled to distrain for more than the balance.

Exclusion of certiorari.
[Act 1883, s. 48.]

53. An order of the county court or of a court of summary jurisdiction under this Act shall not be quashed for want of form, or be removed by certiorari or otherwise into any superior court.

Protection of household goods, &c. up to 20*l.* value.

54.—(1.) The household goods, wearing apparel, and bedding of a person and of his family, and the tools and implements of his and their trade up to the value of *twenty pounds* in the whole, being upon any holding to which this Act applies, shall be absolutely protected from:—

51 & 52 Vict. c. 43. s. 147.
51 & 52 Vict. c. 21. s. 4.
46 & 47 Vict. c. 42. ss. 44, 122.

(*a.*) Seizure by any process of execution from any court whatsoever.
(*b.*) Distress for rent.
(*c.*) Being divisible among his creditors in bankruptcy.
(*d.*) Any other legal process.

(2.) Provided that so much of this section as relates to distress for rent shall not extend to any case where the lease, term, or interest of the tenant has expired, and where possession of the premises in respect of which the rent is claimed has been demanded, and where the distress is made not earlier than seven days after such demand; but this proviso shall not prevent the tenant from removing the goods and things in this section protected previous to distraint.

(3.) Any person levying execution or distraining, or effecting or endeavouring to effect any legal process with reference to goods

and things in this section protected, shall for every such offence be liable to pay a penalty not exceeding *twenty pounds.* A.D. 1891.

PART III.

General Provisions.

Commencement of Act. [Act 1883, s. 53.]

55. This Act shall come into force on the *first day of January* next after the passing of this Act, which day is in this Act referred to as the commencement of this Act.

Holdings to which this Act applies. [Act 1883, s. 54.]

56.—(1.) This Act shall apply to every holding that is either wholly agricultural or wholly pastoral, or in part agricultural and as to the residue pastoral, or in whole or in part cultivated as a market garden.

Extension of Act to cottage gardens, &c. 50 & 51 Vict. c. 26. s. 4. 50 & 51 Vict. c. 26. s. 18.

(2.) This Act shall also apply to every holding which is a holding within the meaning of the Allotments and Cottage Gardens Compensation for Crops Act, 1887, and the tenant of every such holding shall be entitled to compensation under this Act, in accordance with the procedure of this Act, and every such tenant may, with reference to such matters and things for which a claim may be made under both this Act and the last-mentioned Act of 1887, elect to claim under either of them.

(3.) This Act shall apply to no other holdings.

Avoidance of agreement inconsistent with Act. [Act 1883, s. 55.]

57. Every contract, agreement, or covenant, condition or arrangement which purports to take away or modify the right of a tenant to claim compensation under this Act in respect of any improvement mentioned in the First Schedule hereto, or any other right of the tenant as declared given or reserved by this Act (except as is expressly provided for by this Act), or imposes upon him any disadvantage in consequence of his exercising such rights, shall be void both at law and in equity so far as it takes away or modifies his rights or gives him any disadvantage as aforesaid; and any referee or umpire may declare the same to be void accordingly, and proceed in the reference as though the same were non-existent.

Right of tenant in respect of improvement purchased from outgoing tenant. [Act 1883, s. 56.]

58. Where an incoming tenant has, with the consent in writing of his landlord, paid to an outgoing tenant any compensation payable under or in pursuance of this Act in respect of the whole or part of any improvement, such incoming tenant shall be entitled on the determination of his tenancy to claim compensation in respect of such improvement or part in like manner, if at all, as the outgoing tenant would have been entitled if he had remained tenant of

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the holding, and his tenancy had determined at the time at which the tenancy of the incoming tenant determines.

Compensation under this Act to be exclusive in some cases.
[Act 1883, s. 57.]

59. A tenant shall not be entitled to claim compensation by custom or otherwise than in manner authorised by this Act in respect of any improvement specified in the First Schedule, for which he is entitled to compensation under or in pursuance of this Act, but where he is not entitled to compensation under or in pursuance of this Act, and also with reference to the matters and things specified in the Second Schedule hereto, in case he shall not claim compensation for them under this Act, he may recover compensation under any other Act of Parliament, or any agreement or custom, in the same manner as if this Act had not passed.

Provision as to change of tenancy.
[Act 1883, s. 58.]

60. A tenant who has remained in his holding during a change or changes of tenancy, and has not thereupon received compensation for improvements, shall not thereafter at the determination of a tenancy be deprived of his right to claim compensation in respect of improvements by reason only that such improvements were made during a former tenancy or tenancies, and not during the tenancy which is then determining, but may claim for them as if made during such last-mentioned tenancy.

Restriction in respect of improvements by tenant about to quit.
[Act 1883, s. 59.]

61. Subject as in this section mentioned, a tenant shall not be entitled to compensation in respect of any improvements (other than manures as defined by this Act or improvements under sub-head twenty-four in the second part of the First Schedule hereto, and the matters and things in the Second Schedule hereto specified), begun by him, if he holds from year to year, within one year before he quits his holding, or at any time after he has given or received final notice to quit, and, if he holds as a lessee, within one year before the expiration of his lease.

A final notice to quit means a notice to quit which has not been waived or withdrawn, but has resulted in the tenant quitting his holding.

The foregoing provisions of this section shall not apply in the case of any such improvement as aforesaid—

(1.) Where a tenant from year to year has begun such improvement during the last year of his tenancy, and, in pursuance of a notice to quit thereafter given by the landlord, has quitted his holding at the expiration of that year; and

(2.) Where a tenant, whether a tenant from year to year or a lessee, previously to beginning any such improvement, has served notice on his landlord of his intention to begin the same,

and the landlord has either assented or has failed for a month after the receipt of the notice to object to the making of the improvement.

Freedom of cropping and disposal of produce.

62.—(1.) Where by any contract of tenancy it is stipulated that the tenancy shall cease or determine, or that the landlord shall have the right to re-enter on the holding, or that a forfeiture shall accrue, or that any penal or additional rent shall become due or payable by the tenant, or that the tenant shall incur any liability or suffer any other disadvantage, on the breach or non-performance by such tenant of any covenant, or agreement, connected with the tenancy, in respect of the mode of cultivation, or cropping, or disposal of produce (other than a covenant, or agreement, or stipulation not to break up or convert into tillage any permanent pasture or meadow land included in the holding, or not to remove manure), such stipulation shall be void and of none effect if the tenant shall have made, previously to the time when it is sought to enforce or take advantage of such stipulation, a return of natural or artificial manure, proper and adequate in respect of the mode of cultivation, or cropping, or disposal of produce adopted, to his holding, or shall offer and give sufficient security that he will, at the proper season, make such proper and adequate return of manure to the holding.

See 44 & 45 Vict. c. 41. s. 14 (3).

(2.) For the purposes of this section, a lease limited to continue so long only as the tenant abstains from committing a breach of, or performs some, covenant, shall be and take effect as a lease to continue for any longer term for which it would subsist, but determinable by a proviso for re-entry on such a breach or non-performance.

General saving of rights. [Act 1883, s. 60.]

63. Except as in this Act expressed, nothing in this Act shall take away, abridge, or prejudicially affect any power, right, or remedy of a landlord, tenant, or other person vested in or exercisable by him by virtue of any other Act or law, or under any custom of the country, or otherwise, in respect of a contract of tenancy or other contract, or of any improvements, waste, emblements, tillages, away-going crops, fixtures, tax, rate, tithe rentcharge, rent, or other thing; but it shall be optional with the tenant whether he shall recover compensation for the matters and things in the Second Schedule hereto mentioned, by the same procedure as for improvements under this Act, or whether he shall claim for them as if this Act had not been passed; and no tenant shall be liable for waste for making any improvement to his holding, or be restrained from executing the same.

A.D. 1891.

Interpretation.

[Act 1883, s. 61.]

[*See* 46 & 47 Vict. c. 61. s. 61.]

s. 4.

64. In this Act—

"Contract of tenancy" means a letting of or agreement for the letting land for a term of years, or for lives, or for lives and years, or from year to year, or for any other period:

A tenancy from year to year under a contract of tenancy current on the first day of January, one thousand eight hundred and eighty-four, shall for the purposes of this Act be deemed to be a tenancy under a contract of tenancy beginning after that date:

"Determination of tenancy" means the cesser of a contract of tenancy by reason of effluxion of time, or from any other cause:

"Landlord" in relation to a holding means any person for the time being entitled to receive the rents and profits of any holding:

"Landlord" includes the executors, administrators, assigns, legatee, devisee, or next-of-kin, husband, guardian, committee of the estate, or trustees in bankruptcy of a landlord:

"Tenant" means the holder of land under a landlord for a term of years, or for lives, or for lives and years, or from year to year, or for any other period:

"Tenant" includes the executors, administrators, assigns, legatee, devisee, or next-of-kin, husband, guardian, committee of the estate, or trustees in bankruptcy of a tenant, or any person deriving title from a tenant; and the right to receive compensation in respect of any improvement made by a tenant shall enure to the benefit of such executors, administrators, assigns, and other persons as aforesaid:

"Holding" means any parcel of land held by a tenant:

"County court," in relation to a holding, means the county court within the district whereof the holding or the larger part thereof is situate:

"Person" includes a body of persons and a corporation aggregate or sole:

"Live stock" includes any animal capable of being distrained:

"Manures" means any of the improvements numbered twenty-two and twenty-three in the second part of the First Schedule hereto:

The designations of landlord and tenant shall continue to apply to the parties until the conclusion of any proceedings taken under or in pursuance of this Act in respect of compensation for improvements, or under any agreement made in pursuance of this Act or otherwise.

65. On and after the commencement of this Act, the Agricultural Holdings (England) Act, 1883, and the Tenants' Compensation Act, 1890, shall be repealed.

Repeal of Act of 1883 and Tenants' Compensation Act, 1890.

Provided that such repeal shall not affect—

[Act 1883, s. 62.]

(*a*) any thing duly done or suffered, or any proceedings pending under or in pursuance of any enactment hereby repealed; or

(*b*) any right to compensation in respect of improvements to which either of the Agricultural Holdings (England) Acts, 1875, 1883, applies, and which were executed before the commencement of this Act, or any right to fixtures or other right by either of the said Acts given to the tenant; or

(*c*) any right to compensation in respect of any improvement to which the Agricultural Holdings (England) Act, 1875, applies, although executed by a tenant after the commencement of this Act if made under a contract of tenancy current on the first day of January, one thousand eight hundred and eighty-four; or

See s. 4.

(*d*) any right of any occupier given or reserved to him under the Tenants' Compensation Act, 1890;

and any right reserved by this section may be enforced after the commencement of this Act in the same manner in all respects as if no such repeal had taken place; but it shall be competent for the tenant, if he shall think fit, to claim and enforce rights to compensation arising or which could have been enforced under the Act of 1883 by the procedure given by this Act.

As to improvements before this Act.

[Act 1883, s. 2.]

66. Except as in the last preceding section and in section four of this Act provided, compensation under this Act shall not be payable in respect of improvements in the First Schedule mentioned, other than for that numbered twenty-four, executed before the commencement of this Act, but this provision does not disentitle a tenant from obtaining, on the determination of his tenancy after the commencement of this Act, full compensation for the improvement numbered twenty-four, although the cultivation or husbandry with reference to which he claims, took place wholly or in part previously to the commencement of this Act.

Short title of Act.

[Act 1883, s. 63.]

67. This Act may be cited for all purposes as the Agricultural Holdings (England) Act, 1891.

Limits of Act.

[Act 1883, s. 64.]

68. This Act shall not apply to Scotland or Ireland.

A.D. 1891.

SCHEDULES.

FIRST SCHEDULE.

PART I.

Ss. 2, 3. IMPROVEMENTS IN RESPECT OF WHICH NOTICE TO LANDLORD IS REQUIRED.

(1.) Erection, or enlargement, or improvement of buildings; making or improvement of drains or other sanitary accommodation or works; erection or improvement of labourers' cottages.

(2.) Formation of silos.

(3.) Laying down of permanent pasture.

(4.) Making and planting of osier beds.

(5.) Making of water meadows or works of irrigation.

(6.) Making of gardens.

(7.) Making, or improving of roads or bridges.

(8.) Making, or improving of watercourses, ponds, wells, or reservoirs, or of works for the application of water power, or for supply of water for agricultural or domestic purposes, including water supply for labourers or to labourers' cottages.

(9.) Making of fences.

(10.) Planting of hops.

(11.) Planting of orchards, or fruit trees, or fruit bushes.

(12.) Reclaiming of waste land.

(13.) Warping of land.

(14.) Embankment and sluices against floods.

(14*a*.) Any other improvement increasing the value of the holding as an agricultural holding, and not specifically mentioned in this schedule, whether it be of a like kind or not with the improvements previously or subsequently mentioned.

(15.) Drainage.

PART II.

IMPROVEMENTS IN RESPECT OF WHICH NOTICE TO LANDLORD IS NOT REQUIRED.

(16.) Boning of land with undissolved bones.

(17.) Chalking of land.

(18.) Clay-burning.
(19.) Claying of land.
(20.) Liming of land.
(21.) Marling of land.
(22.) Application to land of purchased artificial or other purchased manure.
(23.) Consumption on the holding by cattle, horses, sheep, or pigs, of cake or other feeding stuff not produced on the holding.
(24.) Cultivation or good husbandry in excess of the standard of cultivation or good husbandry which the tenant was bound to maintain.

SECOND SCHEDULE.

Tillages; away-going crops, including fruit.

Ss. 59, 63.

A.D. 1891.

Application to county court.

3. The landlord may apply at any time during the currency of a tenancy to the county court in which the premises occupied by the tenant are or the greater part thereof is situate, and such court shall have power to grant an injunction, ex parte or otherwise, to restrain the tenant from doing any act which in the opinion of the court would be injurious to the land and premises occupied by the tenant, or to the other land and premises of the landlord.

Not to apply to Scotland or Ireland.

4. This Act shall not apply to Scotland or Ireland.

Short title.

5. This Act may be cited as the Agricultural Tenant's Improvements Protection Act, 1891.

Agricultural Tenant's Improvements.

A

B I L L

To compensate Agricultural Tenants for Improvements.

(*Prepared and brought in by Mr. Seale-Hayne, Mr. Channing, Mr. Cobb, Mr. Thomas Ellis, Sir Bernhard Samuelson, and Mr. Halley Stewart.*)

Ordered, by The House of Commons, *to be Printed,* 23 *January* 1891.

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[*Price* ½*d.*]

[Bill 166.]

A

B I L L

TO

Confirm a Provisional Order made by the County Council of Norfolk under the Allotments Acts, 1887 and 1890, relating to the Parish of Saint Faith's, in the Rural Sanitary District of the Saint Faith's Union. A.D. 1891.

WHEREAS the County Council of Norfolk have made the Provisional Order set forth in the Schedule hereto, under the provisions of the Allotments Acts, 1887 and 1890: 50 & 51 Vict. c. 48. 53 & 54 Vict. c. 65.

And whereas it is requisite that the said Order should be confirmed by Parliament, and that the provision herein contained should be enacted with reference thereto:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Order set out in the Schedule hereto shall be and the same is hereby confirmed, and all the provisions thereof shall have full validity and force. Order in Schedule confirmed.

2. The County Council of Norfolk shall not under the powers of this Act or of the said Order, without the consent of the Local Government Board, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which, after the *passing of this Act*, have been or on the *fifteenth day of December* last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. Special provision as to houses of labouring class.

For the purposes of this section the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others except members of their own family, and persons, other than

A.D. 1891.

domestic servants, whose income does not exceed an average of *thirty shillings* a week, and the families of any of such persons who may be residing with them.

Short title.

3. This Act may be cited as the Allotments Provisional Order Confirmation Act, 1891.

SCHEDULE.

COUNTY COUNCIL OF NORFOLK.

Allotments Acts, 1887 and 1890.

ST. FAITH'S UNION.

To the Guardians of the Poor of the St. Faith's Union, acting as the Rural Sanitary Authority of the District of St. Faith's, in the County of Norfolk.

To the Churchwardens and Overseers of the Poor of the Parish of St. Faith's, in the said District.

And to all others whom it may concern.

WHEREAS a Petition was presented to the County Council of Norfolk by certain registered Parliamentary electors or ratepayers residing in the parish of St. Faith's, in the district of the Rural Sanitary Authority of the St. Faith's Union, stating that the circumstances of that parish were such as to make it the duty of the Rural Sanitary Authority of that union to take proceedings under the Allotments Act, 1887, and that such Sanitary Authority had failed to acquire land adequate and suitable in quality and position to provide a sufficient number of allotments, and requesting the Council to put into force the last-named Act for the purpose of providing a sufficient number of allotments for the said parish of St. Faith's:

And whereas the standing committee of the Council appointed under the Allotments Act, 1890, being satisfied of the bona fides of the application, caused a local inquiry into the circumstances to be made:

And whereas such inquiry was held after due notice on the 24th day of October 1890, and a report of the result thereof was made to the said County Council:

And whereas the said County Council, being satisfied by the said inquiry that the circumstances of the said parish of St. Faith's are such that lands for allotments should be acquired, duly passed a resolution to that effect:

And whereas the said County Council being unable by hiring or purchase by agreement to acquire suitable land sufficient for allotments for the parish

A.D. 1891.

of St. Faith's at a reasonable price or rent, and subject to reasonable conditions, and the said standing committee having recommended the acquisition by the County Council of the lands mentioned and described in the Schedule hereto for the purpose of allotments, the said County Council directed a second local inquiry to be held at St. Faith's to inquire into the propriety of putting in force, as respects the said lands, the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, with respect to the purchase and taking of land otherwise than by agreement:

And whereas the said second local inquiry was held at St. Faith's aforesaid on the 26th day of January 1891, after due and public notice given thereof:

And whereas the said County Council have this day duly considered the report of the said inquiry, and have given due notice of the purport of the proposed Provisional Order as by law required:

Now, therefore, in pursuance of the powers given to them by the statutes in this behalf, the County Council of Norfolk do hereby provisionally order as follows:—

The County Council of Norfolk is hereby authorised (for the purpose of providing allotments for the parish of St. Faith's) to put in force, as respects the land mentioned in the Schedule hereto, all the provisions of the Lands Clauses Consolidation Act, 1845, and of the Acts amending the same, with respect to the purchase and taking of land otherwise than by agreement.

The SCHEDULE above referred to.

A field, No. 277 on the Ordnance map of the said parish (scale 1·2500), containing 3·696 acres, belonging or reputed to belong to the Countess of Rechberg, and in the occupation of Mr. George Edward Reynolds.

A field, No. 306 on the said map, containing 14·541 acres, belonging or reputed to belong to the Countess of Rechberg, and in the occupation of Mr. W. W. Cook.

Given under the common seal of the County Council of Norfolk, this 21st day of February in the year 1891.

SEAL.

The common seal of the County Council of Norfolk was impressed hereon in the presence of

CHARLES FOSTER,
Clerk of the said County Council.

Allotments Provisional Order.

A

BILL

To confirm a Provisional Order made by the County Council of Norfolk under the Allotments Acts, 1887 and 1890, relating to the Parish of Saint Faith's, in the Rural Sanitary District of the Saint Faith's Union.

(*Prepared and brought in by Mr. Long and Mr. Ritchie.*)

Ordered, by The House of Commons, *to be Printed,* 1 *May* 1891.

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HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 303.]

A

B I L L

TO

Amend the Laws relating to the Rating of Allotments for Sanitary purposes. A.D. 1891.

WHEREAS it is enacted by section two hundred and eleven, sub-section (1.) (*b.*), and section two hundred and thirty of the Public Health Act, 1875, that "the occupier of any land used as "arable, meadow, or pasture ground only, or as woodlands, market "gardens, or nursery grounds," shall be assessed to the general district rate in an urban district or to a separate rate levied in respect of special expenses within the meaning of the said Act in a rural district, in the proportion of one-fourth part only of the net annual value or rateable value of such land: 38 & 39 Vict. c. 55.

And whereas doubts have arisen whether allotments are or are not included among the lands to which the aforesaid exemptions apply:

And whereas it is expedient to remove such doubts, and to render the practice of assessment uniform, and to relieve allotments from all liability to be assessed for sanitary purposes at a higher rate than other cultivated lands:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. From and after the *first day of October one thousand eight hundred and ninety-one* section two hundred and eleven, sub-section one, and section two hundred and thirty of the Public Health Act, 1875, shall be read and construed as if the word "allotments" was inserted in each of those sections after the word "woodlands." Amendment of 38 & 39 Vict. c. 55. s. 211 (1.) (*b.*), and s. 230.

2. "Allotment" means any parcel of land of not more than two acres in extent and let as an allotment, and cultivated as a garden or a farm, or partly as a garden and partly as a farm. Definition of "allotment."

3. This Act may be cited as the Allotments Rating Exemption Act, 1891. Short title of Act.

[Bill 344.]

Allotments Rating Exemption.

A

B I L L

To amend the Laws relating to the Rating of Allotments for Sanitary purposes.

(*Prepared and brought in by Mr. Henry Cust, Colonel Eyre, and Mr. Samuel Hoare.*)

Ordered, by The House of Commons, *to be Printed*, 26 *May* 1891.

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[*Price* ½*d.*]

[Bill 344.]

A

B I L L

TO

Amend the Ancient Monuments Protection Act, 1882. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application of 45 & 46 Vict. c. 73. to certain structures and monuments.

1. Where the Commissioners of Works are of opinion that the preservation of any ancient or mediæval structure, erection, or monument, or of any remains thereof, is a matter of public interest by reason of the historic, traditional, or artistic interest attaching thereto, they may at the request of the owner consent to become the guardians thereof; and thereupon the Ancient Monuments Protection Act, 1882, shall apply to such structure, erection, or monument, or remains, as if the same were an ancient monument to which that Act applies as defined in that Act.

Provided that this Act shall not authorise the Commissioners of Works to consent to become the guardians of any structure which is occupied as a dwelling-place by any person other than a person employed as a caretaker thereof, and his family.

Short title and construction of Act.

2. This Act may be cited as the Ancient Monuments Protection Act, 1891, and shall be construed as one with the Ancient Monuments Protection Act, 1882, and that Act and this Act may be cited together as the Ancient Monuments Protection Acts, 1882 and 1891.

[Bill 254.]

Ancient Monuments Protection Act (1882) Amendment.

A

B I L L

To amend the Ancient Monuments Protection Act, 1882.

(*Prepared and brought in by Sir John Lubbock, Mr. Howorth, Mr. Osborne Morgan, Mr. Webb, and Mr. Stanley Leighton.*)

Ordered, by The House of Commons, *to be Printed*, 20 *March* 1891.

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[*Price* ½*d.*]

[Bill 254.]

A

B I L L

INTITULED

An Act to amend the Law as to the Endowment of the Archdeaconry of Cornwall. A.D. 1891.

WHEREAS in pursuance of the Truro Chapter Act, 1878, a canonry in the cathedral church of Exeter has been transferred to and forms part of the Truro Chapter Endowment Fund, subject to an annual charge in favour of the Archdeaconry of Cornwall of three hundred and thirty-three pounds six shillings and eightpence, which charge has been since the recent avoidance of the same archdeaconry reduced to two hundred pounds a year: 41 & 42 Vict. c. 44.

And whereas it is expedient that the said sum of two hundred pounds a year, being the future stipend attached to the said archdeaconry, should be paid out of the common fund of the Ecclesiastical Commissioners instead of out of the endowment of the said canonry:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provision as to endowment of Archdeaconry of Cornwall.

1. From and after the passing of this Act the endowment of the Archdeaconry of Cornwall shall be provided by the Ecclesiastical Commissioners for England by an annual payment of two hundred pounds from their common fund, and the annual sum which, but for this enactment, would have been charged on the endowment of the said canonry shall be carried to the income of the Truro Cathedral Endowment Fund.

Short title.

2. This Act may be cited as the Archdeaconry of Cornwall Act, 1891.

[Bill 177.]

Archdeaconry of Cornwall. [H.L.]

A

B I L L

INTITULED

An Act to amend the Law as to the Endowment of the Archdeaconry of Cornwall.

(*Brought from the Lords* 9 *December* 1890.)

Ordered, by The House of Commons, *to be Printed*, 29 *January* 1891.

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[*Price* ½*d.*]

[Bill 177.]

Architects' Registration Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. General council.
4. Members of general council.
5. Branches of the council for England, Scotland, and Ireland.
6. Qualification.
7. Resignation or death of member of general council.
8. Time and place of meeting of general council.
9. Election of president of general council.
10. Revision of constitution of general council.
11. Existing charters remain in force.
12. Appointment of registrars and other officers.
13. Appointment of registrars and other officers by branch councils.
14. Fees for attendance at councils.
15. Application of fees.
16. Accounts to be published.
17. Duty of registrars to keep the registers correct.
18. Removal of name from register by councils. Restoration of name to the register.
19. Persons qualified to be registered.
20. Annual renewal fee.
21. Penalty on unregistered persons using title, &c.
22. Qualifying examination.
23. Registration of branch registers.
24. Evidence of qualification to be given before registration.
25. Register to be published.
26. Registered persons may have titles of distinction added.

Clause.
27. None but registered persons to recover charges.
28. None but registered persons to hold public appointments.
29. Meaning of term legally qualified practitioner.
30. No certificate to be valid unless persons signing be registered.
31. Penalty on wilful falsification of register.
32. Penalty for obtaining registration by false representations.
33. Recovery of penalties and fees.
34. Notice of death of practitioners.
35. Byelaws.
36. Services of notices by post.
37. Registration of colonial practitioner with recognised diploma.
38. Registration of foreign practitioner with recognised diploma.
39. Diploma of colonial and foreign practitioner when deemed to be recognised.
40. Separate lists of colonial and foreign practitioners in register.
41. Power of Her Majesty in Council to define colonies and foreign countries to which this part of the Act applies.
42. Default of general council and examining body or bodies. Exercise of powers of Privy Council.
43. Orders evidence.
44. Definitions.

SCHEDULES.

A

B I L L

FOR

The Registration of Architects.

A.D. 1891.

WHEREAS it is expedient that persons requiring professional aid in architecture should be enabled to distinguish qualified from unqualified practitioners:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may for all purposes be cited as the Architects Act, 1891.

Commencement of Act.

2. This Act shall commence and take effect from the *first day of January one thousand eight hundred and ninety-two.*

General Council.

3. A council, which shall be styled "The General Council of "Architectural Education and Registration of the United Kingdom," herein-after referred to as the general council, shall be established, and branch councils for England, Scotland, and Ireland respectively formed thereout as herein-after mentioned.

Members of general council.

4. The general council shall consist of the following members; that is to say:

Five persons nominated from time to time by Her Majesty, with the advice of Her Privy Council, three of whom shall be nominated for England and Wales, one for Scotland, and one for Ireland:

And the architects chosen from time to time by each of the following bodies:

Five by the Royal Institute of British Architects, three of whom shall be nominated for England and Wales, one for Scotland, and one for Ireland:

One by the Royal Academy of Arts:

One by the Royal Institute of Architects, Ireland:

A.D. 1891.

Two by the Society of Architects:

Two by the Architectural Association:

Five by such members of provincial societies mentioned in Schedule A. as are qualified to register at the date of the *passing of this Act*, or thereafter are registered under this Act, three of whom shall be nominated for England and Wales, one for Scotland, and one for Ireland:

Nine by registered practitioners resident in England, Ireland, and Scotland respectively, of whom five shall be nominated for England and Wales, two for Scotland, and two for Ireland, in all, nine, herein-after referred to as "direct representatives."

Branches of the council for England, Scotland, and Ireland.

5. The members nominated by Her Majesty with the advice of Her Privy Council, the members chosen by the professional bodies of England, Scotland, and Ireland respectively, and the direct representatives elected by the resident registered practitioners for such parts respectively of the United Kingdom, shall be the branch councils for such parts respectively of the United Kingdom, to which branch councils shall be delegated such of the powers and duties vested in the council as the council may see fit, other than the power to make representations to Her Majesty in Council as herein-after mentioned. The president shall be a member of all the branch councils.

Qualification.

6. The professional members of the general council must be qualified to be registered under this Act, and must register as soon as possible after the appointment of registrars.

(1.) The direct representatives must be themselves registered under the Act.

Resignation or death of member of general council.

7. The members of the general council shall be chosen and nominated for a term not exceeding *five years*, and shall be capable of re-appointment, and any member may at any time resign his appointment by letter addressed to the president of the said council, and upon the death or resignation of any member of the said council some other person shall be constituted a member of the said council in his place in manner herein-before provided; but it shall be lawful for the council during such vacancy to exercise the powers herein-after mentioned.

Time and place of meeting of general council.

8. The general council shall hold their first meeting within three months from the commencement of this Act, in such place and at such time as the Lords of the Privy Council shall appoint, and shall elect a president out of their own number for a term not exceeding *three years*, and make such rules and regulations as to

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the times and places of the meetings of the general council and the mode of summoning the same as to them shall seem expedient, which rules and regulations shall remain in force until altered at any subsequent meeting; and in the absence of any rule or regulation as to the summoning a meeting of the general council, it shall be lawful for the president to summon a meeting at such time and place as to him shall seem expedient, by letter addressed to each member; and at every meeting, in the absence of the president, some other member to be chosen from the members present shall act as president, and all acts of the general council shall be decided by the votes of the majority of the members present at any meeting, the whole number present being not less than eleven, and at all such meetings the president for the time being shall, in addition to his vote as a member of the council, have a casting vote in case of an equality of votes.

(1.) The president of the general council or any other person whom the general council may from time to time appoint shall be the returning officer for the purpose of elections of direct representatives, and such returning officer shall, some time, not more than six weeks after the issue of the first copy of the register, and thereafter not less than six weeks nor more than two months before the day on which the term of office of any such representative will expire, and as soon as conveniently may be after the occurrence of any vacancy arising from the death or resignation of any such representative, issue his precept to the branch council for that part of the United Kingdom in which such representative was elected, requiring the said branch council to cause a representative to be elected by the registered practitioners resident in that part of the United Kingdom within twenty-one days after the receipt of the precept of the returning officer.

(2.) The election shall be conducted in such manner as may be provided by regulations to be made by the Privy Council, provided as follows:

(*a.*) The nomination shall be in writing, and the nomination paper of each candidate shall be signed by not fewer than ten registered practitioners; and

(*b.*) The election shall be conducted by voting papers, and it shall be the duty of the branch council in any part of the United Kingdom in which an election is to be held to cause a voting paper to be forwarded by post to each registered practitioner resident in that part of the country at his registered address, but the election shall

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not be rendered void by reason of the omission of the branch council to cause such voting paper to be forwarded in any particular case or cases, and any registered practitioner to whom a voting paper has not been sent in pursuance of this Act may on application to the registrar of the said branch council obtain one from him; and

(*c.*) Any registered practitioner entitled to vote at such election may vote for as many candidates as there are representatives to be elected.

(3.) Each branch council shall certify to the returning officer the person or persons elected by the registered practitioners resident in the part of the United Kingdom to which such branch council belongs.

(4.) A direct representative elected in place of any such representative retiring on the expiration of the period for which he was elected shall come into office at the expiration of that period, and a direct representative elected to fill a vacancy caused by the death or resignation of any such representative shall come into office on the day on which he is certified by the branch council to the returning officer to have been elected.

(5.) The expenses attending the election of a direct representative shall be defrayed as part of the expenses of the branch council for that part of the United Kingdom in which such representative is elected.

Election of president of general council.

9. The general council from time to time, on the occurrence of a vacancy in the office of president of the general council, shall elect one of their number to be president for a term not exceeding *three years*, and not extending beyond the expiration of the term for which he has been made a member of the said council.

Revision of constitution of general council.

10.—(1.) The general council may at any time represent to the Privy Council all or any of the following matters:

(*a.*) That it is expedient to confer on the registered practitioners resident in any part of the United Kingdom the power of returning one or more additional members to the general council.

(*b.*) That it is expedient to confer on any college, university, or other body in the United Kingdom, not being one of the constituent bodies for the time being of the general council, and being in the opinion of the general council of sufficient

importance to be worthy of such a privilege, the power of returning a member to the general council, either separately or collectively with any other body or bodies in the same part of the United Kingdom.

(*c.*) That it is expedient that any constituent body having, in the opinion of the general council, so diminished in importance as not to be entitled to such privilege, should either be wholly deprived of the power of returning a member to the general council, or be deprived of the power of returning a member separately, and permitted to return a member collectively with some other body or bodies.

(*d.*) That the standard or conduct of the qualifying examinations in the opinion of the general council is unsatisfactory, or that the body or bodies constituted as examiners is, or are, unwilling to act, and that it is expedient that such other body or bodies be appointed as to the Privy Council shall seem fit.

(2.) The Privy Council, before considering such representation, shall cause the same to be laid before both Houses of Parliament.

(3.) If either House of Parliament, within forty days (exclusive of any period of adjournment for more than one week) next after any such representation has been laid before such House, present an address to Her Majesty declaring that such representation, or any part thereof, ought not to be carried into effect, no further proceedings shall be taken in respect of the representation in regard to which such address has been presented; but if no such address is presented by either House of Parliament within such forty days as aforesaid, the Privy Council may, if they think fit, report to Her Majesty that it is expedient to give effect to such representation, and it shall be lawful for Her Majesty by Order in Council to give effect to the same, and any Order in Council so made shall be of the same validity as if it had been enacted in this Act.

Existing charters remain in force.

11. The charters of the Royal Institute of British Architects are hereby confirmed, and are declared to be and shall be in full force and virtue, but not so as to prevent the making of any amendment thereof or addition thereto by any supplemental Royal Charter not being inconsistent with this Act.

Appointment of registrars and other officers.

12. The general council shall appoint a registrar, who shall act as secretary of the general council, and who may also act as treasurer, unless the council shall appoint another person or other persons as treasurer or treasurers; and the person or persons so appointed shall likewise act as registrar for England, and as

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secretary and treasurer or treasurers, as the case may be, for the branch council for England; the general council and the branch council for England shall also appoint so many clerks and servants as shall be necessary for the purposes of this Act, and every person so appointed by any council shall be removable at the pleasure of that council, and shall be paid such salary as the council by which he was appointed shall think fit.

Appointment of registrars and other officers by branch councils.

13. The branch councils for Scotland and Ireland shall each respectively in like manner appoint a registrar, and, if necessary, other officers and clerks, who shall be paid such salaries as the general council shall approve, and be removable at the pleasure of the branch council by which they were appointed; and the person appointed registrar shall also act as secretary to the branch council, and may also act as treasurer, unless such branch council shall appoint some other person or persons as treasurer or treasurers.

Fees for attendance at councils.

14. There shall be paid to the members of the general council and branch councils such fees for attendance and such reasonable travelling expenses as shall from time to time be allowed by the general council and approved by the Commissioners of Her Majesty's Treasury.

Application of fees.

15. All moneys arising from fees payable on registration, or the annual renewal fees, or from the sale of copies of the register, or otherwise, to the several councils under this Act shall be paid to the treasurer of such councils respectively, shall be applied in accordance with such regulations as may be from time to time made by the general council in defraying the expenses of registration and the other expenses of the execution of this Act, and, subject thereto, towards the support of museums, libraries, or lectureships, or for public purposes connected with the profession of architecture, or towards the promotion of learning and education in connexion with architecture.

(1.) The general council may allocate such sum or sums of money as shall be proved to their satisfaction to have been expended in promoting this Act, and which sum or sums are, in the opinion of the general council, reasonable, and may order the same to be paid through their treasurer to the body or bodies, person or persons, who may establish the claim or claims within twelve months of the *passing of this Act.*

(2.) The general council shall have power to invest any sums not so expended in Government securities in the names of any three of their number appointed from time to time as trustees,

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and any income derived from such invested sums shall be added to and considered as part of the ordinary income of the general council.

(3.) The general council may also use surplus funds or invested capital for the rental or purchase of land or premises, or for the building of premises to serve as offices, examination halls, libraries, museums, or for any other public purposes connected with architecture.

Accounts to be published.

16. The treasurers of the general and branch councils shall enter in books to be kept for that purpose a true account of all sums of money by them received and paid under this Act, and such accounts shall be audited and submitted by them to the general council and branch councils respectively at such times as the councils may respectively require. Such accounts shall be published annually, and shall be laid before both Houses of Parliament in the month of March in every year, if Parliament be then sitting, or if Parliament be not sitting, then within one month after the commencement of the next sitting of Parliament.

Duty of registrars to keep the registers correct.

17. It shall be the duty of the registrars to keep their respective registers correct, in accordance with the provisions of this Act and the orders and regulations of the general council.

(1.) The registrar shall from time to time insert in the register any alteration which may come to his knowledge in the name or address of any person registered.

(2.) The registrar shall remove from the said register the name of every deceased person.

(3.) The registrar shall remove from the said register the name of any person who has neglected to pay his annual renewal fee, or the name of any person who has ceased to practise, but not (save as herein-after provided) without the consent of that person.

(4.) In the case of any registered person neglecting to pay his annual renewal fee, or in the case where the registrar has any reason to think that any person registered has ceased to practise, the registrar shall send by post in the first case a notice to such person applying for the payment of such annual renewal fee, and in the second case a notice to such person by post inquiring whether or not he has ceased to practise, or has changed his residence; and if the registrar does not within three months after sending the notice in either case receive any answer thereto from such person, the registrar shall within fourteen days after the expiration of the three months send

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him (in either case) by post in a registered letter another notice referring to the first notice, and stating that no answer thereto has been received, and if the registrar does not within one month after sending the second notice receive any answer thereto (in either case) the name of such person shall be erased from the register; provided always, that the same may be restored by direction of the general council, should they think fit to make an order to that effect.

(5.) In the execution of his duties the registrar shall act in each case on such evidence as appears to him sufficient.

Removal of name from register by councils.

18. The general council or the branch councils in their respective districts may direct that a name be removed from the register in the following cases (that is to say), at the request or with the consent of the person whose name is to be removed; or where a name has been incorrectly entered, or has been fraudulently entered or procured to be entered; or where a person registered has, after the *passing of this Act* been convicted, either in her Majesty's dominions or elsewhere of an offence which, if committed in England, would be a misdemeanor or higher offence; or where a person registered is shown to have been guilty after his registration, and either in Her Majesty's dominions or elsewhere, of any conduct infamous in a professional respect.

Restoration of name to the register.

(1.) Where the general council have removed the name of any person from the register, the name of that person shall not be again entered in the register except by a resolution of the general council, or by an order of a court of competent jurisdiction.

(2.) The general council may by resolution direct the registrar to restore to the register any name removed therefrom, either without fee or on payment of such fee, not exceeding the registration fee, as the general council may from time to time fix, and the registrar shall restore the name accordingly.

(3.) The name of any person removed from the register at the request of such person or with his consent shall, unless it might if not so removed have been removed by order of the general council, be restored to the register on his application and on payment of such fee, not exceeding the registration fee, as the general council from time to time may fix.

Persons qualified to be registered.

19. Every person who at the date of the *passing of this Act* is a fellow or an associate of the Royal Institute of British Architects, shall, in respect of such membership, be entitled to be registered under this Act, without payment of a registration fee, and so long

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as he remain a fellow or associate of the said Royal Institute of British Architects, shall be exempted from the payment of an annual renewal fee, hereafter mentioned.

(1.) Any person who was actually practising architecture prior to the *first day of January, one thousand eight hundred and eighty-four*, or who has served as apprentice, assistant, or practitioner in architecture, all or either, for *seven years* in the aggregate after having attained the age of fifteen years prior to the *passing of this Act*, shall, on payment of a fee to be fixed by the general council, and pending the fixing of the fee by the general council a fee of *five pounds*, be entitled to be registered on producing to the registrar of the branch council for England, Ireland, or Scotland a declaration according to the form in Schedule (B.) or (C.) to this Act, signed by him, or upon transmitting to such registrar information of his name and address, and enclosing such declaration as aforesaid. Provided always, that it shall be lawful for the several bodies mentioned in Schedule (A.) to transmit within three months from the date of the *passing of this Act*, to the said registrars, lists certified under their respective seals of such of their members as are entitled under the provisions of this Act, as aforesaid, to be registered, stating the places of residence of such persons; and it shall be lawful for the registrars thereupon, and upon payment of a fee of *three pounds* in respect of each person to be registered, to enter in the register the persons mentioned in such lists, with their qualifications and places of residence as therein stated, without other application in relation thereto.

(2.) An applicant for admission after the *passing of this Act* must be not less than twenty-one years of age, and must, except in cases herein-before and herein-after mentioned, have served as apprentice for not less than *three years* with a registered practitioner or practitioners, and have passed a qualifying examination in accordance with this Act.

(3.) Any person who before the *passing of this Act* has entered upon an apprenticeship for a shorter term than three years with a master or masters qualified to be registered under this Act may serve the additional period necessary to make up *three years*.

(*a.*) Notice and evidence of existing apprenticeships must be given to the registrar of the branch council of the district in which such pupil is placed within six months of the

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passing of this Act, which notice must be accompanied by a fee of *ten shillings*, when the name shall be recorded in a separate list by the registrar of such branch council.

(4.) An apprenticeship entered upon *after the passing of this Act* must be served under indenture to a registered practitioner or practitioners, which indenture shall be recorded in a separate list by the registrar of the branch council of the district in which the pupil is placed, if intimated to such registrar within three months from the date of the commencement of the apprenticeship and upon payment of a fee of *forty shillings*, and if intimated after six months from such date, upon payment of *five pounds*. Provided always, that if this provision be not complied with within six months from such date, the service of the pupil for the purposes of this Act shall date only from the time of the production of the indenture to the registrar and the entry thereof.

(5.) Any of the following persons shall be qualified to apply for admission on signing a declaration form (C.) Schedule to this Act.

(*a.*) Any person who has obtained his qualification subsequently to the *passing of this Act* shall be registered upon making application to the registrar of branch council of the district in which he was examined, and upon payment of a registration fee to be fixed by the general council, or pending the fixing of the fee by the general council, a fee of *five pounds*.

(*b.*) A person who after the *passing of this Act* shall have served an apprenticeship for two years, and shall for *five years* have been assistant to a practitioner or practitioners qualified to be registered, or a registered practitioner or practitioners under this Act, and who has passed such examinations as the general council shall authorise.

(*c.*) A person who after the *passing of this Act* shall for *ten years* have been an assistant to a practitioner or practitioners qualified to be registered, or a registered practitioner or practitioners under this Act, and who has passed such examination as the general council shall authorise.

Annual renewal fee.

20. Registered practitioners under this Act, not being fellows or associates of the Royal Institute of British Architects at the date of the *passing of this Act*, or ceasing to be members of the same,

shall pay in advance an annual renewal fee of *twenty shillings*, which shall be payable on the *first day of January* in each year. A.D. 1891.

(*a.*) The registration fee covers the annual fee for the first year or a part of a year during which it is paid.

Penalty on unregistered persons using title, &c.

21. From and after the *first day of January one thousand eight hundred and ninety-two* a person shall not be entitled to take or use the name or title of architect (either alone or in combination with any other word or words, save only that of naval architect), or any name, title, or description implying that he is registered under this Act, unless he be so registered.

Any person who, after the above date, not being registered under this Act, takes or uses any such name, titles, or description as aforesaid shall be liable, on summary conviction, to a fine not exceeding *twenty pounds*, and on repetition of the offence *fifty pounds*.

Qualifying examination.

22. On and after the *first day of January one thousand eight hundred and ninety-two* no person shall become qualified to be registered except as provided by this Act.

(1.) A qualifying examination shall be an examination held for the purpose of conferring the right of registration under this Act by the Royal Institute of British Architects.

(2.) The standard of proficiency required from candidates at the said qualifying examinations shall be such as sufficiently to guarantee the possession of the knowledge and skill requisite for the efficient practice of architecture, and it shall be the duty of the general council to secure the maintenance of such standard of proficiency as aforesaid; and for that purpose such number of inspectors as may be determined by the general council shall be appointed by the general council, and shall attend, as the general council may direct, at all or any of the qualifying examinations.

(3.) Inspectors of examinations appointed under this section shall not interfere with the conduct of any examination, but it shall be their duty to report to the general council their opinion as to the sufficiency or insufficiency of every examination which they attend, and any other matters in relation to such examinations which the general council may require them to report.

(4.) The members of the board or boards of examiners and the inspectors of examinations appointed under this section shall receive such remuneration, to be paid as part of the expenses of the general council, as the general council, with the sanction of

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the Privy Council, may determine, and the general council shall defray such other reasonable expenses as may be incurred in holding such examinations.

(5.) Such reasonable fees shall be paid to the general council, by candidates for examination under this Act, as the general council may from time to time, by bye-laws or regulations, direct.

Registration of branch registers.

23. Where any person entitled to be registered under this Act applies to the registrar of any of the branch councils for that purpose such registrar shall forthwith enter in a local register in the form set forth in Schedule (D.) to this Act, or to the like effect, the name and place of residence, and the date of the registration of such person, and shall, in the case of the registrar of the branch council for Ireland or Scotland, forthwith send to the registrar of the general council a copy, certified under the hand of the registrar, of the entry so made, and the registrar of the general council shall forthwith cause the same to be entered in the general register, and the entry in the general register shall bear date from the local register.

Evidence of qualification to be given before registration.

24. No person shall be entered on the register unless the registrar be satisfied by proper evidence that the person claiming is entitled to it; and any appeal from the decision of the registrar shall be decided by the general council, and any entry which shall be proved to the satisfaction of such general council to have been fraudulently or incorrectly made may be erased from the register by order in writing of such general council.

Register to be published

25. The registrar of the general council shall in every year cause to be printed, published, and sold under the direction of such council a correct register of the names, in alphabetical order according to the surnames, with the respective residences, in the form set forth in Schedule (D.) to this Act, or to the like effect, of all persons appearing on the general register as existing on the *first day of January* in every year, and such register shall be called "The Architects Register," and a copy of such register for the time being, purporting to be so printed and published as aforesaid, shall be evidence in all courts and before all justices of the peace and others that the persons therein specified are registered according to the provisions of this Act; provided always, that in case of any person whose name does not appear in such copy, a certified copy under the hand of the registrar of the general council, or of any branch council, of the entry of the name of such person in the

general or local register shall be evidence that such person is registered under the provisions of this Act. A.D. 1891.

Registered persons may have titles of distinction added.

26. Any person registered under this Act who may have obtained any title of distinction, considered by the general council to be worthy of notice, shall be entitled to have such distinction inserted in the register on payment of such annual fee as the general council may appoint or determine.

None but registered persons to recover charges.

27. After the *first day of January one thousand eight hundred and ninety-two* no person shall be entitled to recover any charge in any court of law for any professional services rendered as architect unless he shall prove to the court that he is registered under this Act.

Provided always that nothing in this section shall be held to prejudice the right of professional members of the Institution of Civil Engineers or the Surveyors' Institution to recover charges for work of any kind falling within the duties of their calling.

None but registered persons to hold public appointments.

28. Provided also, that on and after the *passing of this Act* it shall not be lawful for any city, borough, or township, rural, urban, or sanitary authority, county council, local board of health, vestry, board of works, or other public body, to appoint any unregistered person to any office under such authority or body, in the performance of the duties of which office the person so appointed will have to prepare, examine, approve, or pass, plans of buildings and their constructional or sanitary arrangement, or to examine or report upon buildings erected or to be erected, of whatsoever kind, so far as concerns their structural or sanitary arrangement, or so far as concerns their safety from fire or their convenience of exit or entrance, or so far as concerns buildings which are, or are alleged to be, dangerous structures.

(1.) The general council may at any time, if they so think fit, call upon the Royal Institute of British Architects to hold special examinations for such officers, and should that body decline, the general council may themselves, by and with the sanction of the Privy Council, hold, or cause to be held, such special examinations.

(2.) But in cases where such appointments are held at the *passing of this Act* by persons not qualified to be registered under this Act, such persons may continue to hold the same or similar appointments as though they were registered under this Act.

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(3.) Provided always that nothing in this section shall prevent the appointment and registration to such posts of members of the Institute of Civil Engineers or of fellows or professional associates of the Surveyors' Institution who produce certificates of competency from the council of whichever body to which they belong.

Meaning of term legally qualified practitioner.

29. After the *first day of January one thousand eight hundred and ninety-two* the word legally qualified architect, or any words importing a person recognised by law as a practitioner in architecture, when used in any Act of Parliament, shall be construed to mean a person registered under this Act.

No certificate to be valid unless persons signing be registered.

30. After the *first day of January one thousand eight hundred and ninety-two* no certificate required by any Act now in force, or that may hereafter be passed, from any architect or officer appointed under the provisions of section twenty-eight of this Act, shall be valid unless the person signing the same be registered under this Act.

Penalty on wilful falsification of register.

31. Any registrar who shall wilfully make or cause to be made any falsification in any matters relating to the register shall be deemed guilty of a misdemeanor in England or Ireland, and in Scotland of a crime or offence punishable by fine or imprisonment, and shall, on conviction thereof, be imprisoned for any term not exceeding *twelve months.*

Penalty for obtaining registration by false representations.

32. If any person shall wilfully procure or attempt to procure himself to be registered under this Act by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, every such person so offending, and every person aiding and assisting him therein, shall be deemed guilty of a misdemeanor in England and Ireland, and in Scotland of a crime or offence punishable by fine or imprisonment, and shall, on conviction thereof, be sentenced to be imprisoned for any term not exceeding *twelve months.*

Recovery of penalties and fees.

33. All fees under this Act may be recovered as ordinary debts due to the general council, and all penalties under this Act may be recovered and enforced as follows; that is to say, in England before two or more justices of the peace, in manner directed by the Act of session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate "the performance of the duties of justices of the peace out of "sessions within England and Wales with respect to summary con- "victions and orders," and any Act amending the same; and in Ireland, within the police district of Dublin metropolis, in manner

directed by the Acts regulating the powers and duties of justices of the peace for such district or of the police of such district, and elsewhere in Ireland before two or more justices of the peace in manner directed by the Petty Sessions (Ireland) Act, 1851 (14 & 15 Vict. c. 93), and any Act amending the same; and in Scotland before the sheriff or sheriff's substitute, or two justices, in manner provided by the Summary Procedure Act (1864) (27 & 28 Vict. c. 53.), and any Act amending the same.

(1.) Any sum or sums of money arising from conviction and recovery of penalties as aforesaid shall be paid to the treasurer of the council.

Notice of death of practitioners.

34. Every registrar of deaths in the United Kingdom, on receiving notice of the death of any person registered under this Act, shall forthwith transmit by post to the registrar of the general council and to the registrar of the branch council a certificate under his own hand of such death, with the particulars of time and place of death, and may charge the cost of such certificate and transmission as an expense of his office, and on the receipt of such certificate the registrar shall erase the name of such deceased person from the register.

Byelaws.

35. All byelaws, orders, and regulations made by the general council, or by any authority under the authority of this Act, shall be made and may be made, from time to time altered or revoked, in such manner and subject to such approval or confirmation (if any) as in the case of other byelaws, orders, or regulations made by such authority.

Services of notices by post.

36. Subject to the other provisions of this Act, all notices and documents required by or for the purposes of this Act to be sent, may be sent by post, and shall be deemed to have been received at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such sending it shall be sufficient to prove that the letter containing the notice or document was prepaid and properly addressed and put in the post.

Such notices and documents may be in writing or in print, or partly in writing or partly in print, and when sent to the general council, branch councils or other authorities, shall be deemed to be properly addressed if addressed to the said bodies or authorities, or to some officer of such councils or authorities at the principal office of business of such councils or authorities, and when sent to a person registered under this Act, shall be deemed to be properly addressed if addressed to him according to his address registered in that register.

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Colonial and Foreign Practitioners.

Registration of colonial practitioner with recognised diploma.

37. On and after the *passing of this Act*, where a person shows to the satisfaction of the registrar of the general council that he holds some recognised colonial diploma or diplomas (as herein-after defined) granted to him in a British possession, and that he is of good character, and that he has practised architecture in such British possession, he shall, on application to the said registrar, and on payment of such fee not exceeding *five pounds* as the general council may from time to time determine, be entitled, without examination in the United Kingdom, to be registered as a colonial practitioner; provided that he proves to the satisfaction of the registrar any of the following circumstances:—

(1.) That the said diploma or diplomas was or were granted to him at a time when he was not domiciled in the United Kingdom, or in the course of a period of not less than *five years*, during the whole of which he resided out of the United Kingdom; or

(2.) That he was practising architecture in the United Kingdom at the time of the *passing of this Act*, and that he has continuously practised the same, either in the United Kingdom or elsewhere, for a period of not less than *ten years* immediately preceding the *passing of this Act*.

Registration of foreign practitioner with recognised diploma.

38. On and after the *passing of this Act*, where a person shows to the satisfaction of the registrar of the general council that he holds some recognised foreign diploma or diplomas (as herein-after defined) granted in a foreign country, and that he is of good character, and that he has practised architecture in such foreign country, he shall, on application to the said registrar, and on payment of such fee not exceeding *five pounds*, as the general council may from time to time determine, be entitled without examination in the United Kingdom to be registered as a foreign practitioner; provided that he proves to the satisfaction of the registrar any of the following circumstances:

(1.) That he is not a British subject; or

(2.) That, being a British subject, the said diploma or diplomas was or were granted to him at a time when he was not domiciled in the United Kingdom, or in a British Colony or British Possession, or in the course of a period of not less than five years during the whole of which he resided out of the United Kingdom; or

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(3.) That, being a British subject, he was practising architecture in the United Kingdom at the time of the *passing of this Act*, and that he has continuously practised the same in the United Kingdom or elsewhere for a period of not less than *ten years* immediately preceding the *passing of this Act*.

Diploma of colonial and foreign practitioner when deemed to be recognised.

39. The diploma or diplomas granted in a British possession or foreign country to which this Act applies which is or are to be deemed such recognised colonial or foreign architectural diploma or diplomas as is or are required for the purposes of this Act shall be such diploma or diplomas as may be recognised for the time being by the general council as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of architecture.

(1.) When the general council have refused to recognise as aforesaid any colonial or foreign diploma, the Privy Council, on application being made to them, may, if they think fit, after considering such application, and after communication with the general council, to order the general council to recognise the said diploma, and such order shall be duly obeyed.

(2.) If a person be refused registration as a colonial or foreign practitioner on any other ground than that the diploma or diplomas held by such person is or are not such recognised diploma or diplomas as above defined, the registrar of the general council shall, if required, state in writing the reason of such refusal, and the person so refused registration may appeal to the Privy Council, and the Privy Council, after communication with the general council, may dismiss the appeal, or may order the general council to enter the name of the appellant on the register.

(3.) A person may, if so entitled under this Act, be registered both as a colonial and foreign practitioner.

Separate lists of colonial and foreign practitioners in register.

40. The register shall contain a separate list of the names and addresses of the foreign practitioners, and also a separate list of the names and addresses or the colonial practitioners, registered under this Act; each list shall be made out alphabetically according to the surnames, and the provisions of this Act relating to other persons registered under this Act, and relating to the register and to offences in respect thereof, shall, so far as may be, apply in the case of colonial and foreign practitioners registered under this Act and of the said lists of those practitioners, in the same way as such

A.D. 1891.

provisions apply in the case of other persons registered under this Act, and of the register as kept under this Act.

Power of Her Majesty in Council to define colonies and foreign countries to which this part of the Act applies.

41. Her Majesty may from time to time, by Order in Council, declare that this part of this Act shall be deemed, on and after a day to be named in such Order, to apply to any British possession or foreign country which, in the opinion of Her Majesty, affords to the registered practitioners of the United Kingdom such privileges of practising in the said British possession or foreign country as to Her Majesty may seem just; and from and after the day named in such Order in Council, such British possession or foreign country shall be deemed to be a British possession or foreign country to which this Act applies within the meaning of this part thereof; but until such Order in Council has been made in respect of any British possession or foreign country, this part of this Act shall not be deemed to apply to any such possession or country; and the expression "on and after the passing of this Act," as used in this part of this Act, means, as respects any British possession or foreign country, the day on and after which this part of this Act is declared, by Order in Council, to apply to such British possession or foreign country.

(1.) Her Majesty may from time to time, by Order in Council, revoke and renew any Order made in pursuance of this section, and on the revocation of such Order, as respecting any British possession or foreign country, such possession or foreign country shall cease to be a possession or foreign country to which this part of this Act applies, without prejudice, however, to the right of any persons whose names have been already entered on the register.

Default of general council and examining body or bodies.

42. If at any time it appears to the Privy Council that the general council or the examining body or bodies has or have failed to exercise any power or perform any duty, or do any act or thing vested in or imposed on, or authorised to be done by the general council, or by the examining body or bodies, the Privy Council may notify their opinion to the general council; and if the general council, or the examining body or bodies, fail to comply with any directions of the Privy Council relating to such notification, the Privy Council may themselves give effect to such directions, and for that purpose may exercise any power or do any act or thing vested in or authorised to be done by the general council, or by the examining body or bodies, and may of their own motion do any act or thing which they are authorised to do in pursuance of a representation or suggestion from the general council.

A.D. 1891.

All powers vested in the Privy Council by this Act may be exercised by any two or more of the Lords and others of Her Majesty's most Honourable Privy Council.

Exercise of powers of Privy Council.

(1.) Any act of the Privy Council under this Act shall be sufficiently signified by an instrument signed by the Clerk of the Council, and every Order and act signified by an instrument purporting to be signed by the Clerk of the Council, shall be deemed to have been duly made and done by the Privy Council, and every instrument so signed shall be received in evidence in all courts and proceedings without proof of the authority or signature of the Clerk of the Council or other proof.

Orders evidence.

43. The following copies of any Orders made in pursuance of this Act shall be evidence; that is to say,

(1.) Any copy purporting to be printed by the Queen's printer, or by any other printer, in pursuance of an authority given by the general council.

(2.) Any copy of an Order certified to be a true copy by the registrar of the general council, or by any other person appointed by the general council, either in addition to or in exclusion of the registrar, to certify such Orders.

Definitions.

44. In this Act, unless the context otherwise requires—

The expression "part of the United Kingdom" means, according to circumstances, England, Ireland, or Scotland:

The expression "British possession" means any part of Her Majesty's dominions exclusive of the United Kingdom but inclusive of the Isle of Man and Channel Islands, and where parts of such dominions are under both a central and a local legislature, all parts under one central legislature are for the purposes of this definition deemed to be one British possession:

The expression "local law" means an Act or Ordinance passed by the legislature of a British possession:

The expression "registered person" means any person for the time being registered under this Act:

The word "diploma" means any diploma, degree, fellowship, membership, associateship, license, authority to practise, letters, testimonial, certificate, or other status or document granted by any university, professional body, college, or other body, or by any departments of or persons acting under the authority of the government of any country or place within or without Her Majesty's dominions:

The word "person" includes a body of persons corporate or not corporate.

A.D. 1891.

SCHEDULES.

SCHEDULE (A.)

1. The Royal Institute of Architects, Ireland.
2. The Society of Architects.
3. The Architectural Association.
4. Birmingham Architectural Association.
5. Glasgow Institute of Architects.
6. Glasgow Architectural Association.
7. Liverpool Architectural Society.
8. Leeds and Yorkshire Architectural Society.
9. Leicester and Leicestershire Society of Architects.
10. Manchester Society of Architects.
11. Manchester Architectural Association.
12. Northern Architectural Association.
13. Nottingham Architectural Association.
14. York Architectural Association.
15. Sheffield Society of Architects and Surveyors.
16. Association of Municipal and Sanitary Engineers and Surveyors.
17. The Bradford Society of Architects and Surveyors.
18. Dundee Institute of Architecture, Science, and Art.
19. South of Ireland Society of Civil Engineers and Architects.
20. The Bristol Society of Architects.
21. Edinburgh Architectural Association.
22. Leicester Architectural Association.

SCHEDULE (B.)

Declaration required of a person who claims to be registered as a practitioner upon the ground that he was in practice as a professional architect in England or Wales, Ireland or Scotland, before the first day of January one thousand eight hundred and eighty-four.

To the Registrar of the Architects Council.

I, , residing at , in the county of , hereby declare that I was practising as an architect, at , in the county of

before the first day of January one thousand eight hundred and eighty-four, and I have since that time continued to and now practise the same. A.D. 1891.

(Signed)

Dated this day of 18 .

SCHEDULE (C.)

DECLARATION to be signed by and on behalf of any apprentice, assistant, or practitioner claiming to be registered under the Architects Act 1891.

To the Registrar of the Architects Council.

I hereby declare that the undersigned , residing at , in the county of , since he attained the age of fifteen years had for years immediately before the date of the passing of this Act been employed as either an apprentice or assistant, or both, to an architect, and that he has attained the age of twenty-one years.

As witness my hand this day of 18 .

A.B., duly qualified practitioner.

C.D., magistrate.

(To be signed by one of the two parties named.)

I hereby declare that I was for years before the passing of this Act actually engaged as an apprentice, assistant. or practitioner in architecture, severally or collectively, as follows:—

[*

and that I had attained the full age of twenty-one years at the time of the passing of the Act, and I enclose certificate of examination.†

E.F.

* Here give particulars of your qualifications, the names and address of your employer or employers to whom apprentice or assistant, and stating the period of such employment or employments, and if in practice the period and particulars of such.

† Where the term of years is five and under seven, the certificate of prescribed examination must be produced, but where the term is eight and upwards it may be dispensed with, and the words relating to it struck out.

A.D. 1891.

SCHEDULE (D.)

Date of Registration.	Name.	Residence.	Title or Distinction (if any).
1890. Jan. 1st	A B	London - -	M.A., F.S.A., Professor of Architecture, London University.
1891. Dec. 5th	C.D.	Edinburgh - -	A.R.I.B.A., B.A.
	E.F.	Dublin - -	M.I.C.E., M.R.I.A., Ireland.
	G.H.	Bristol - -	F.R.I.B.A., M.S.A.
	I.K.	London - -	Pres. R.I.B.A., R.A.
	L.M.	Manchester - -	R.A., D.C.L.
	O.P.	Liverpool - -	J.P., C.C.
	Q.R.	Carlisle - -	A.R.I.B.A., F.S.I.
	S.T.	London - -	Pres. S.A., B.E.
	U.V.	Cardiff - -	M.A., M.S.A.
	W.X.	Birmingham - -	Pres. A.A.
	Y.Z.	London - -	Pres. Soc. Arts, M.P.

Architects' Registration.

A

B I L L

For the Registration of Architects.

(*Prepared and brought in by*
Mr. Noble, General Goldsworthy, and
Mr. Justin McCarthy.)

Ordered, by The House of Commons, *to be Printed*,
9 *December* 1890.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE and SPOTTISWOODE, East Harding Street, Fleet Street, E.C.,
and 32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh,
and 21, Drury Street, Glasgow; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* 3*d.*]

[Bill 162.]

Army (Annual) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Army Act (44 & 45 Vict. c. 58.) to be in force for specified times.
3. Prices in respect of billeting.

Amendments of Army Act.

4. Amendment of 44 & 45 Vict. c. 58. s. 73 as to confession by soldier of desertion or fraudulent enlistment.
5. Explanation of 44 & 45 Vict. c. 58. s. 90 as to discharge or transfer to the reserve.
6. Amendment of 44 & 45 Vict. c. 58. s. 91 as to lunatic soldiers.
7. Amendment of 44 & 45 Vict. c. 58. s. 145 as to liability of soldier for maintenance of wife or child.
8. Amendment of 44 & 45 Vict. c. 58. s. 146 as to qualification of officer for county council.
9. Amendment of 44 & 45 Vict. c. 58. s. 156 as to certificates of military pensioners and of members of army reserve.
10. Amendment of 44 & 45 Vict. c. 58. s. 183 as to army schoolmasters.

SCHEDULE.

A

B I L L

TO

Provide, during twelve months, for the Discipline and Regulation of the Army. A.D. 1891.

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by Her Majesty and this present Parliament, that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and fifty-three thousand six hundred and ninety-six men, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within Her Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of Her Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by the judgment

A.D. 1891.

of his peers and according to the known and established laws of this realm; yet nevertheless it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert Her Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

44 & 45 Vict. c. 58.

And whereas the Army Act will expire in the year one thousand eight hundred and ninety-one on the following days:

(*a.*) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b.*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, on the thirty-first day of July; and

(*c.*) Elsewhere, whether within or without Her Majesty's dominions, on the thirty-first day of December:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Army (Annual) Act, 1891.

Army Act (44 & 45 Vict. c. 58.) to be in force for specified times.

2.—(1.) The Army Act shall be and remain in force during the periods herein-after mentioned, and no longer, unless otherwise provided by Parliament; that is to say,

(*a.*) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand eight hundred and ninety-one to the *thirtieth day of April one thousand eight hundred and ninety-two*, both inclusive; and

(*b.*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the thirty-first day of July one thousand eight hundred and ninety-one to the *thirty-first day of July one thousand eight hundred and ninety-two*, both inclusive; and

(*c.*) Elsewhere, whether within or without Her Majesty's dominions, from the thirty-first day of December one thousand eight hundred and ninety-one to the *thirty-first day of December one thousand eight hundred and ninety-two*, both inclusive;

and the day from which the Army Act is continued in any place by this Act is in relation to that place referred to in this Act as the commencement of this Act.

A.D. 1891.

(2.) The Army Act, while in force, shall apply to persons subject to military law, whether within or without Her Majesty's dominions.

(3.) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of Her Majesty, exclusive of the marine forces, is either greater or less than the number herein-before mentioned. 44 & 45 Vict. c. 58.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the schedule to this Act. Prices in respect of billeting.

Amendments of Army Act.

4. Whereas it is expedient that general or other officers commanding military districts should be competent military authorities for awarding forfeitures and deductions on confessions of desertion or fraudulent enlistment by soldiers; be it therefore enacted that— Amendment of 44 & 45 Vict. c. 58. s. 73 as to confession by soldier of desertion or fraudulent enlistment.

In section seventy-three of the Army Act, after the words "commander-in-chief or adjutant-general," shall be inserted the words "or any general or other officer commanding a military district."

5. Whereas by section ninety, sub-section five, of the Army Act it is enacted as follows :— Explanation of 44 & 45 Vict. c. 58. s. 90, as to discharge or transfer to the reserve.

"A soldier of the regular forces who is discharged on the completion of the term of his original enlistment or his re-engagement, as mentioned in the second sub-section of this section, or is transferred to the reserve, shall be entitled to be conveyed, free of cost, from the place in the United Kingdom where he is discharged or transferred to the place in which he appears from his attestation paper to have been attested, or to any place at which he may at the time of his discharge or transfer decide to take up his residence, and to which he can be conveyed without greater cost."

and doubts have been entertained as to the application of this provision in the case of soldiers transferred to the reserve, and it is expedient to remove such doubts; be it therefore enacted that—

To the said sub-section the following proviso shall be added :

"Provided that in the case of transfer to the reserve he shall not be entitled to be so conveyed to any place out of the United Kingdom."

A.D. 1891.

Amendment of 44 & 45 Vict. c. 58. s. 91 as to lunatic soldiers. 53 Vict. c. 5.

6. Whereas the enactment referred to in sub-section three of section ninety-one of the Army Act has been superseded by the Lunacy Act, 1890, and it is expedient to substitute a reference to that Act; be it therefore enacted that—

In section ninety-one of the Army Act for the words "an order "by a justice within the meaning of section seventy-two of the "Act of the session of the sixteenth and seventeenth years of the "reign of Her present Majesty, chapter ninety-seven, intituled, "'An Act to consolidate and amend the laws for the provision and "'regulation of lunatic asylums for counties and boroughs, and for "'the maintenance and care of pauper lunatics in England,'" shall be substituted the words "a summary reception order within the "meaning of the Lunacy Act, 1890."

[See 53 Vict. c. 5. s. 27.]

53 Vict. c. 5.

Amendment of 44 & 45 Vict. c. 58. s. 145 as to liability of soldier for maintenance of wife or child.

7. Whereas by section one hundred and forty-five of the Army Act provision is made for the enforcement of orders for payment by a soldier of the cost of maintenance of his wife or child or of any bastard child of whom he is the putative father, or of the cost of any relief to his wife or child given by way of loan, and doubts have been entertained as to the application of this provision in cases where a man becomes a soldier subsequently to the making of the order, and it is expedient to remove such doubts; be it therefore enacted that—

In subsection two of section one hundred and forty-five of the Army Act for the words "for payment by a soldier of the regular forces" shall be substituted the words "for payment by a man "who is or subsequently becomes a soldier of the regular forces."

Amendment of 44 & 45 Vict. c. 58. s. 146 as to qualification of officer for county council.

8. To section one hundred and forty-six of the Army Act (which disqualifies officers of the regular forces for holding certain offices) the following proviso shall be added:—

"Provided that nothing in this section shall disqualify any officer for being elected to or being a member of a county council."

Amendment of 44 & 45 Vict. c. 58. s. 156 as to certificates of military pensioners and of members of army reserve.

9. Whereas it is expedient to provide penalties for the detention of certificates of military pensioners and of men belonging to the army reserve; therefore to section one hundred and fifty-six of the Army Act the following sub-section shall be added:—

"(9.) Every person who receives, detains, or has in his possession the identity certificate or life certificate of a person entitled to a military pension or to reserve pay as a pledge or security for a debt, or with a view to obtain payment from the pensioner or person entitled to the pay of a debt due either to himself or to any other person, shall be liable on summary conviction to the like penalty as for an offence under sub-section one of this section, and the certificate

shall be deemed to be property within the meaning of this section."

Amendment of 44 & 45 Vict. c. 58. s. 183 as to army schoolmasters.

10. Whereas by section one hundred and eighty-three of the Army Act it is provided that an army schoolmaster shall not be liable to be reduced to the ranks, but it is expedient that an army schoolmaster transferred from the ranks should be capable of being reduced to the rank which he held at the date of his transfer; be it therefore enacted that—

In section one hundred and eighty-three of the Army Act after the words "An army schoolmaster shall not be liable to be reduced "to the ranks" shall be inserted the words "(unless he has been "transferred from the ranks in which case he may be reduced to "the rank which he held at the date of transfer").

A.D. 1891.

SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where hot meal furnished.	*Twopence halfpenny* per night.
Hot meal as specified in Part I. of the Second Schedule to the Army Act.	*One shilling and one penny halfpenny* each.
Where no hot meal furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	*Fourpence* per day.
Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	*One shilling and ninepence* per day.
Lodging and attendance for officer	*Two shillings* per night.

Note.—An officer shall pay for his food.

A

B I L L

To provide, during twelve months, for the Discipline and Regulation of the Army.

(Prepared and brought in by Mr. Secretary Stanhope, Lord George Hamilton, The Judge Advocate General, and Mr. Brodrick.)

Ordered, by The House of Commons, *to be Printed,* 5 *March* 1891.

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[*Price* 1*d.*]

[Bill 240.]

A

B I L L

TO

Extend to Army Schools the benefit of certain Educational Endowments.

A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension to Army schools of provisions of schemes relating to educational endowments.

1.—(1.) Where the provisions of any scheme made before or after the *passing of this Act* under the Endowed Schools Acts, 1869, 1873, and 1874, confer any benefit of an educational endowment on scholars being or having been educated at any public elementary school, an army school shall be deemed a public elementary school within the meaning of those provisions.

(2.) In this Act the expression "army school" means a school established for the purpose of affording education to children of non-commissioned officers and soldiers, and conducted under the supervision of the Director General of Military Education, and a certificate of the Director General of Military Education shall be sufficient evidence that a school is an army school within the meaning of this Act.

Short title.

2. This Act may be cited as the Army Schools Act, 1891.

[Bill 211.]

Army Schools.

A

B I L L

To extend to Army Schools the benefit of certain Educational Endowments.

(*Prepared and brought in by Mr. Secretary Stanhope and Mr. Brodrick.*)

Ordered, by The House of Commons, *to be Printed,* 12 *February* 1891.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and 88 and 90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 211.]

[To be substituted for Bill previously delivered.]

Artificial Manures, &c. (Adulteration) Bill.

MEMORANDUM.

The objects of this Bill are—

(1) to make it compulsory in all sales of artificial manures or feeding stuffs to deliver to the purchaser a guaranteed analysis, and to place marks of identification on all packages of such manures and on all cakes;

(2) to make misrepresentation of the nature and composition of manures or feeding stuffs punishable by summary process;

(3) to provide for the appointment of public analysts by county councils under the approval of the Board of Agriculture; and

(4) to enable county councils, with the sanction of the Board of Agriculture, for limited periods of time to employ the procedure of the Food and Drugs Acts in the detection and punishment of adulteration of manures and feeding stuffs.

Artificial Manures, &c. (Adulteration) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. Offences and penalties.
4. Invoice certificate.
5. Marks of identification.
6. Appointment of public analyst.
7. County council may appoint analyst of another county.
8. Power to purchaser to obtain analysis.
9. Provisions for dealing with samples.
10. Provisions when sample is not divided.
11. Provision for sending samples by post.
12. Form of analyst's certificate.
13. Quarterly reports.
14. Proceedings against offenders.
15. Certificate to be primâ facie evidence.
16. Power to justices to obtain samples.
17. Appeals.
18. Saving as to defendant.
19. Penalties for forging, &c. certificates.
20. Other remedies not to be affected.
21. Temporary powers to county council.
22. Penalty for refusing sample or invoice certificate to inspector.

[Bill 101.]

[To be substituted for Bill previously delivered.]

A

B I L L

FOR

The better Prevention of Frauds in the Manufacture and Sale of Artificial Manures and other Preparations for agricultural purposes. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act shall be cited as the Adulteration of Artificial Manures and Feeding Stuffs Act, 1891.

Commencement of Act.

2. This Act shall come into operation on the *first day of January, one thousand eight hundred and ninety-two.*

Offences and penalties.

3. Every person who sells any artificial manure or feeding stuff in any quantity not less than one hundredweight, who shall fail to deliver to any purchaser thereof an invoice certificate, as provided in section four of this Act, or who shall fail to stamp upon or affix to every package of such manure or feeding stuff a mark of identification, as provided in section five of this Act, shall be guilty of an offence against this Act, and shall be liable, on summary conviction, for the first offence to a fine not exceeding *ten pounds*, and for the second or any subsequent offence to a fine not exceeding *twenty-five pounds.*

Every person who in any such invoice certificate misrepresents any manure or feeding stuff sold by him in any of the particulars required to be stated under the provisions of section four of this Act, shall be guilty of an offence against this Act, and shall be liable, on summary conviction as herein-after provided, for the first offence to a fine not exceeding *twenty pounds*, and for the second or any subsequent offence to a fine not exceeding *fifty pounds.*

Moreover, in every case of a second or any subsequent offence against this Act, it shall be lawful for the court, in addition to any penalty provided by this Act, to order the offender's name,

A.D. 1891.

occupation, place of abode, and place of business, and particulars of his punishment under this Act, to be published, at the expense of such offender, in such newspaper or newspapers, or in such other manner, as the court may think fit to prescribe.

Invoice certificate to give a guarantee of nature, origin, and composition.

4. Every person who sells any artificial manure or feeding stuff shall deliver to every purchaser of such manure or feeding stuff, in any quantity not less than one hundredweight, at the time of purchase, or not later than the delivery thereof to the purchaser, an invoice certificate, which shall be printed or legibly written and signed in writing at the foot thereof by such vendor or his agent.

Every such invoice certificate shall state:—

(1.) The names in full, and the place of business or places of business of the manufacturer and vendor of such manure or feeding stuff, if manufactured within the United Kingdom; and if imported, then the name and place of business of the vendor, and the country from which such manure or feeding stuff has been imported;

(2.) The figure, word, trade mark, or trade description which is to be stamped upon or affixed to every sack, barrel, case, or other package containing any portion of such manure or feeding stuff, or which is to be stamped upon each feeding or oil cake delivered with such invoice certificate;

(3.) The nature of such manure or feeding stuff, and whether consisting of one material, or compounded with an admixture of added substances;

(4.) In the case of feeding or oil cakes, the nature of the substance or substances from which the oil therein contained has been derived, and the percentages of oil, of albuminous compounds, and of other constituents;

(5.) In the case of rape cake or rape dust the percentages of oil, of albuminous compounds, and of other constitutents;

(6.) In the case of "compound artificial manures," the nature and the percentages of the several constituents, and especially the percentages of soluble phosphate of lime, of insoluble phosphate of lime, and of nitrogen, or its equivalent as ammonia;

(7.) In the case of "raw," or "green bones," or "bone dust," or "boiled bones," the percentage of tribasic phosphate of lime, and of ammonia;

(8.) In the case of "dissolved bones," or "bone superphosphate," the percentages of soluble and of insoluble phosphate of lime, and of ammonia, and the substance or substances from which

such soluble and insoluble phosphates of lime and ammonia have been derived;

(9.) In the case of "nitrate of soda," the percentage of pure nitrate of soda;

(10.) In the case of "mineral superphosphates," the percentage of soluble phosphate of lime;

(11.) In the case of "sulphate of ammonia," the percentage of ammonia;

(12.) In the case of "Peruvian guano," its origin, the percentage of phosphates calculated as phosphate of lime, and of ammonia;

(13.) In the case of "muriate of potash," the percentage of pure muriate of potash;

(14.) In the case of "kainit," the percentage of sulphate of potash;

(15.) In the case of "basic slag," the percentage of phosphoric acid equal to the basic phosphate of lime.

Marks of identification to be stamped on or affixed to packages and cakes.

5. Every person selling or offering for sale any artificial manure or feeding stuff as provided by the preceding section, shall brand upon, or durably affix to, or cause to be branded upon or durably affixed to every sack, barrel, case, or other package containing any portion of such manure or feeding stuff, and, in the case of feeding or oil cakes, shall stamp or cause to be stamped on each cake the name of the manufacturer or vendor, and a figure, word, trade mark, or trade description, corresponding to the figure, word, trade mark, or trade description stated in the invoice certificate as provided in the preceding section.

Appointment of public analyst.

6. From and after the *passing of this Act*, the county council of every county, or any committee thereof nominated by the county council for that purpose, shall appoint one or more persons possessing competent knowledge, skill, and experience, as analysts of artificial manures and feeding stuffs within such county, and shall pay to such analyst or analysts such remuneration as shall be mutually agreed upon, and may remove him or them as they shall deem proper; but such appointments and removals shall at all times be subject to the approval of the Board of Agriculture, who may require satisfactory proof of competency to be supplied to them, and may give their approval absolutely, or with modifications as to the period of the appointment and renewal, or otherwise.

Provided that no person shall be appointed an analyst for the purposes of this Act who shall be engaged directly or indirectly in any trade, manufacture, or business connected with the sale or importation of artificial manures or feeding stuffs.

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The county council may appoint the analyst of a neighbouring county.

7. The county council of any county or county borough may agree that the analyst appointed under section six of this Act for any other county or county borough shall act for such county or county borough during such time as the said county council shall think proper, and shall make due provision for his remuneration, and, if such analyst shall consent, he shall during such time be the analyst of such county or county borough for the purposes of this Act.

Power to purchaser of manures or feeding stuffs to have them analysed.

8. Every purchaser of any artificial manure or feeding stuff under the provisions of this Act, in any place within a county where there is an analyst appointed under this Act, shall be entitled, on payment to such analyst of a sum not exceeding *five shillings*, or, if there be no such analyst then acting for such county, then to the analyst of any other county, of such sum as may be agreed upon between such person and the analyst, to have such manure or feeding stuff analysed by such analyst, and to receive from him a certificate of the result of such analysis, and shall deliver to such analyst, within one month from the purchase and delivery of such manure or feeding stuff, a sample thereof, sufficient in quantity for the purposes of such analysis, in the manner provided in the next section.

Provisions for dealing with samples.

9. The person purchasing any artificial manure or feeding stuff under the provisions of this Act with the intention of submitting the same to analysis shall, after the purchase shall have been completed, forthwith notify to the vendor or his agent selling such manure or feeding stuff his intention to have the same analysed by the public analyst under this Act, and shall offer to divide any package thereof, or any sufficient sample of the contents of such package, into three parts, to be then and there separated, and each part to be marked and sealed, and fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the vendor or his agent; he shall afterwards retain one of the said parts for comparison, and submit the third part, if he deems it right to have the same analysed, to the analyst.

Provision when sample is not divided.

10. If the vendor or his agent do not accept the offer of the purchaser to divide in his presence the package or sample of the contents of such package of manure or feeding stuff so purchased, the analyst, on receiving the sample thereof for analysis, shall divide the same into two parts, and shall seal or fasten up one of those parts, and shall cause it to be delivered, either on receipt of the sample or when he supplies his certificate, to the purchaser,

who shall retain the same for production in case proceedings shall afterwards be taken in the matter.

Provision for sending sample through the Post Office.

11. If the analyst do not reside within two miles of the residence of the person requiring a sample of manure or feeding stuff to be analysed under the provisions of this Act, such sample may be forwarded to the analyst through the post as a registered parcel, subject to any regulation which the Postmaster General may make in reference to the carrying and delivery of such sample, and the charge for the postage thereof shall be deemed to be one of the charges of this Act, or of the prosecution as the case may be.

Form of analyst's certificate.

12. The certificate of the analysis shall be in the form set forth in the schedule hereto, or to the like effect, and shall state explicitly in what particulars, if any, and to what extent the result of such analysis differs from the statements set forth in the invoice certificate delivered to the purchaser of the manure or feeding stuff so analysed.

Quarterly report to county council and Board of Agriculture.

13. Every analyst appointed under this Act shall report quarterly to the county council the number and nature of the articles analysed by him under this Act during the foregoing quarter, and shall specify the result of each analysis, and the sum paid to him in respect thereof, and such report shall be presented at the next meeting of the county council, and the county council shall, within the four weeks next following such meeting, transmit to the Board of Agriculture, in such form as the Board may direct, a certified copy of such quarterly report.

Proceedings against offenders.

14. When the analyst having analysed any sample of manure or feeding stuff shall have given his certificate of the result, from which it may appear that such manure or feeding stuff has been misrepresented in the invoice certificate thereof in any of the particulars required under section four of this Act to be truly stated in such certificate, or that any other offence against any of the provisions of this Act has been committed, the county council, or the purchaser causing the analysis to be made, may take proceedings for the recovery of the penalty or penalties herein imposed for such offence or offences before any justices in petty sessions assembled, having jurisdiction in the place where the manure or feeding stuff sold was actually delivered to the purchaser, in a summary manner.

Every penalty imposed by this Act shall be recovered, in England in the manner prescribed by the eleventh and twelfth of Victoria, chapter forty-three; in Scotland, in the manner directed

A.D. 1891.

by the Summary Procedure Act, 1864, and any Act amending the same, or by any police or other Act, for the time being in force in any place, and providing for the recovery of penalties; in Ireland, in the manner directed by the Petty Sessions (Ireland) Act, 1851, and any Act amending the same; and in Dublin, by the Acts regulating the powers of justices of the peace or of the police of Dublin metropolis.

Certificate of analyst to be primâ facie evidence for the prosecution.

15. At the hearing of the information in such proceedings, the production of the certificate of the analyst shall be sufficient evidence of the facts therein stated, unless the defendant shall require that the analyst shall be called as a witness, and that the part of the sample retained by the purchaser shall be produced.

Power to justices to obtain analysis.

16. The justices before whom any complaint may be made, or the Court before whom any appeal may be heard under this Act, may, upon the request of either party, in their discretion cause a sample, sufficient in quantity, of any artificial manure or feeding stuff to be sent to the Board of Agriculture, who shall thereupon direct any officer under the Board appointed for this purpose to make an analysis of such sample, and the expense of such analysis shall be paid by the complainant or defendant as the justices may by order direct.

Appeals.

17. Any person who has been convicted of any offence against this Act by any justices may appeal, in England, to the next general or quarter sessions of the peace, which shall be held for the city, county, town, or place wherein such conviction shall have been made, provided that such person enter into a recognisance within three days next after such conviction, with two sufficient sureties, conditioned to try such appeal, and to be forthcoming to abide the judgment and determination of the court at such general or quarter sessions, and to pay such costs as shall be by such court awarded; and the justices before whom such conviction shall be had are hereby empowered and required to take such recognizance, and the court at such general or quarter sessions are hereby required to hear and determine the matter of such appeal, and may award such costs to the party appealing or appealed against as they or he shall think proper.

In Scotland and in Ireland, in like cases as in England, an appeal shall lie in manner in that behalf provided by the law of Scotland and of Ireland respectively.

Defendant to be discharged if he prove

18. If the defendant in any prosecution under this Act prove to the satisfaction of the justices or court that he had purchased such

artificial manure or feeding stuff from another person with an invoice certificate signed and delivered to him by such person, that he had no reason to believe at the time when he sold such manure or feeding stuff that they were misrepresented in such certificate, and that he sold such manure or feeding stuff in the same state as when he purchased it, he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he shall have given notice that he will rely on the above defence.

that he bought the article in the same state as sold, and with a warranty.

19. Every person who shall forge, or shall utter knowing to be forged, for the purposes of this Act, any certificate as provided for under this Act, shall be guilty of a misdemeanor, and shall be punishable on conviction by imprisonment for a term not exceeding *two years* with hard labour.

Penalties for forging or fraudulently applying certificates.

Every person who shall, in any proceedings under this Act, wilfully apply to any package containing artificial manure or feeding stuffs a certificate, or a mark of identification corresponding to such certificate given or used in describing or identifying any other and different artificial manure or feeding stuff or package thereof, shall be guilty of an offence under this Act, and shall be liable, on summary conviction, to a penalty not exceeding *twenty pounds.*

20. Nothing in this Act contained shall affect the power of proceeding by indictment, or take away any other remedy against any offender under this Act, or in any way interfere with any right or remedy by civil process at law or equity which any party aggrieved by any offence against this Act might have had if this Act had not been passed.

Other remedies not to be affected.

21. The Board of Agriculture may at their discretion issue an order authorising a county council, for any period of time specified in such order, to appoint one or more inspectors who, if so directed by the county council at any time during the period specified in such order, shall obtain samples of any manures or feeding stuffs offered for sale within such county, and shall be entitled to obtain an invoice certificate thereof from the vendor as provided in section four of this Act, and shall submit the same to be analysed by the analyst appointed under this Act, and such analyst shall with all convenient speed analyse the same, and give a certificate to such inspector, wherein he shall specify the result of such analysis, and shall state explicitly in what particulars, if any, such result differs from the statements set forth in the invoice certificate.

Board of Agriculture may give temporary powers to county council to obtain samples for analysis.

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Penalty for refusing to sell sample to inspector.

22. If any such inspector shall so apply to purchase any package or portion of a package of such manures or feeding stuffs so offered for sale within the county, and shall tender the price for the quantity he shall require for the purposes of analysis, not being more than shall be reasonably requisite, and the person offering such manures or feeding stuffs for sale shall refuse to sell the same to such inspector, or to deliver to him an invoice certificate thereof as provided in section four of this Act, shall be liable to a penalty not exceeding *ten pounds*.

SCHEDULE.

A.D. 1891.

Form of Analyst's Certificate.

To*

I, the undersigned, public analyst under the Adulteration of Manures Act, 1891, for the do hereby certify that I received on the day of 18 , from † , a sample of for analysis, and have analysed the same, and declare the result of my analysis to be as follows:—

I am of opinion that the said sample contained the parts as under, or the per-centages of constituent substances as under:—

I have examined the invoice certificate tendered or delivered with said sample, and find that it corresponds with the results of my analysis;
or that it differs from the results of my analysis in the following particulars; that is to say,

Observations.

* Here insert the name of the person submitting the article for analysis.
† Here insert the name of the person delivering the sample.

previously delivered.]

Artificial Manures, &c. (Adulteration).

A

B I L L

For the better Prevention of Frauds in the Manufacture and Sale of Artificial Manures and other Preparations for agricultural purposes.

(*Prepared and brought in by Mr. Channing, Mr. Halley Stewart, Mr. Seale Hayne, Mr. Cobb, Sir Walter Foster, Dr. Farquharson, and Sir John Swinburne.*)

Ordered, by The House of Commons, *to be Printed*, 26 *November* 1890.

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[*Price* 2*d.*]

[Bill 101.]

Artificial Manures, &c. (Adulteration), No. 2, Bill.

MEMORANDUM.

The objects of this Bill are—

(1) to make it compulsory in all sales of artificial manures or feeding stuffs to deliver to the purchaser a guaranteed analysis, and to place marks of identification on all packages of such manures and on all cakes;

(2) to make misrepresentation of the nature and composition of manures or feeding stuffs punishable by summary process; and

(3) to provide for the appointment of public analysts by the Board of Agriculture.

Artificial Manures, &c. (Adulteration), No. 2, Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. Offences and penalties.
4. Invoice certificate.
5. Marks of identification.
6. Appointment of public analyst.
7. Rules for sampling and analysis.
8. Scale of fees for analysis.
9. Provisions for dealing with samples.
10. Provisions when sample is not divided.
11. Provision for sending samples by post.
12. Form of analyst's certificate.
13. Quarterly reports.
14. Proceedings against offenders.
15. Certificate to be primâ facie evidence.
16. Power to justices to obtain samples.
17. Appeals.
18. Saving as to defendant.
19. Penalties for forging, &c. certificates.
20. Other remedies not to be affected.
21. Margin of deviation from guaranteed per-centages.

[Bill 356.]

A

B I L L

FOR

The better Prevention of Frauds in the Manufacture and Sale of Artificial Manures and Feeding Stuffs.

A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act shall be cited as the Adulteration of Artificial Manures and Feeding Stuffs Act, 1891.

Commencement of Act.

2. This Act shall come into operation on the *first day of January, one thousand eight hundred and ninety-two.*

Offences and penalties.

3. Every person who sells any artificial manure or feeding stuff in any quantity not less than one hundredweight, who shall fail to deliver to any purchaser thereof an invoice certificate, as provided in section four of this Act, or who shall fail to stamp upon or affix to every package of such manure or feeding stuff a mark of identification, as provided in section five of this Act, shall be guilty of an offence against this Act, and shall be liable, on summary conviction, for the first offence to a fine not exceeding *ten pounds*, and for the second or any subsequent offence to a fine not exceeding *twenty-five pounds.*

Every person who in any such invoice certificate misrepresents any manure or feeding stuff sold by him in any of the particulars required to be stated under the provisions of section four of this Act, shall, unless he proves that such misrepresentation has been made without intent to defraud, be guilty of an offence against this Act, and shall be liable, on summary conviction as herein-after provided, for the first offence to a fine not exceeding *twenty pounds*, and for the second or any subsequent offence to a fine not exceeding *fifty pounds.*

Moreover, in every case of a second or any subsequent offence against this Act, it shall be lawful for the court, in addition to any penalty provided by this Act, to order the offender's name,

A.D. 1891.

occupation, place of abode, and place of business, and particulars of his punishment under this Act, to be published, at the expense of such offender, in such newspaper or newspapers, or in such other manner, as the court may think fit to prescribe.

Invoice certificate to give a guarantee of nature, origin, and composition.

4. Every person who sells any artificial manure or feeding stuff shall deliver to every purchaser of such manure or feeding stuff, in any quantity not less than one hundredweight, at the time of purchase, or not later than the delivery thereof to the purchaser, an invoice certificate, which shall be printed or legibly written and signed in writing at the foot thereof by such vendor or his agent.

Every such invoice certificate shall state :—

(1.) The names in full, and the place of business or places of business of the manufacturer and vendor of such manure or feeding stuff, if manufactured within the United Kingdom; and if imported, then the name and place of business of the vendor, and the country from which such manure or feeding stuff has been imported;

(2.) The figure, word, trade mark, or trade description which is to be stamped upon or affixed to every sack, barrel, case, or other package containing any portion of such manure or feeding stuff, or which is to be stamped upon each feeding or oil cake delivered with such invoice certificate;

(3.) The nature of such manure or feeding stuff, and whether consisting of one material, or compounded with an admixture of added substances;

(4.) In the case of feeding or oil cakes, the nature of the substance or substances from which the oil therein contained has been derived, and the percentages of oil, of albuminous compounds, and of other constituents;

(5.) In the case of rape cake or rape dust the percentages of oil, of albuminous compounds, and of other constitutents;

(6.) In the case of "compound artificial manures," the nature and the percentages of the several constituents, and especially the percentages of soluble phosphate of lime, of insoluble phosphate of lime, and of nitrogen, or its equivalent as ammonia;

(7.) In the case of "raw," or "green bones," or "bone dust," or "boiled bones," the percentage of tribasic phosphate of lime, and of ammonia;

(8.) In the case of "dissolved bones," or "bone superphosphate," the percentages of soluble and of insoluble phosphate of lime, and of ammonia, and the substance or substances from which

such soluble and insoluble phosphates of lime and ammonia have been derived;

(9.) In the case of "nitrate of soda," the percentage of pure nitrate of soda;

(10.) In the case of "mineral superphosphates," the percentage of soluble phosphate of lime;

(11.) In the case of "sulphate of ammonia," the percentage of ammonia;

(12.) In the case of "Peruvian guano," its origin, the percentage of phosphates calculated as phosphate of lime, and of ammonia;

(13.) In the case of "muriate of potash," the percentage of pure muriate of potash;

(14.) In the case of "kainit," the percentage of sulphate of potash;

(15.) In the case of "basic slag," the percentage of phosphoric acid equal to the basic phosphate of lime.

(16.) In the case of any other artificial manures or feeding stuffs, such particulars of the constituents and percentages thereof as the Board of Agriculture may from time to time by order prescribe.

Marks of identification to be stamped on or affixed to packages and cakes.

5. Every person selling or offering for sale any artificial manure or feeding stuff as provided by the preceding section, shall brand upon, or durably affix to, or cause to be branded upon or durably affixed to every sack, barrel, case, or other package containing any portion of such manure or feeding stuff, and, in the case of feeding or oil cakes, shall stamp or cause to be stamped on each cake the name of the manufacturer or vendor, and a figure, word, trade mark, or trade description, corresponding to the figure, word, trade mark, or trade description stated in the invoice certificate as provided in the preceding section.

Appointment of public analyst.

6. From and after the *passing of this Act*, the Board of Agriculture shall appoint such number of persons possessing competent knowledge, skill, and experience in the analysis of artificial manures and feeding stuffs as they shall think fit, to serve as public analysts for the purposes of this Act, and shall from time to time assign to each such analyst the county or the counties within which he shall so serve, and may, subject to the assent of the Treasury, fix the remuneration of such analysts, inclusive or exclusive of fees received for analysis as herein-after provided, and may from time to time remove any such analyst, or alter or change the area within which he shall serve as analyst.

A.D. 1891.

Provided that no person shall be appointed an analyst for the purposes of this Act who shall be engaged directly or indirectly in any trade, manufacture, or business connected with the sale or importation of artificial manures or feeding stuffs.

Rules for sampling and analysis.

7. The Board of Agriculture shall by order prescribe for each kind of artificial manure or feeding stuff the rules in accordance with which samples thereof shall be required to be taken for the purposes of this Act, and the method of analysis which shall be employed in analysing such manures and feeding stuffs, and shall from time to time vary any such order as may be necessary.

Scale of fees for analysis.

8. The public analyst under this Act shall be paid for each analysis by the person submitting any sample for analysis according to a scale of fees fixed by the Board of Agriculture, and such Board may from time to time revise and alter such scale of fees.

Provisions for dealing with samples.

9. The person purchasing any artificial manure or feeding stuff under the provisions of this Act with the intention of submitting the same to analysis shall, after the purchase shall have been completed, forthwith notify to the vendor or his agent selling such manure or feeding stuff his intention to have the same analysed by the public analyst under this Act, and shall offer to divide any package thereof, or any sufficient sample of the contents of such package, into three parts, to be then and there separated, and each part to be marked and sealed, and fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the vendor or his agent; he shall afterwards retain one of the said parts for comparison, and shall within seven days from the completion of such purchase submit the third part, if he deems it right to have the same analysed, to the analyst.

Provision when sample is not divided.

10. If the vendor or his agent do not accept the offer of the purchaser to divide in his presence the package or sample of the contents of such package of manure or feeding stuff so purchased, the analyst, on receiving the sample thereof for analysis, shall divide the same into two parts, and shall seal or fasten up one of those parts, and shall cause it to be delivered, either on receipt of the sample or when he supplies his certificate, to the purchaser, who shall retain the same for production in case proceedings shall afterwards be taken in the matter.

Provision for sending sample through the Post Office.

11. If the analyst do not reside within two miles of the residence of the person requiring a sample of manure or feeding stuff to be analysed under the provisions of this Act, such sample may be forwarded to the analyst through the post as a registered parcel,

A.D. 1891.

subject to any regulation which the Postmaster General may make in reference to the carrying and delivery of such sample, and the charge for the postage thereof shall be deemed to be one of the charges of this Act, or of the prosecution as the case may be.

Form of analyst's certificate.

12. The certificate of the analysis shall be in the form set forth in the schedule hereto, or to the like effect, and shall state explicitly in what particulars, if any, and to what extent the result of such analysis differs from the statements set forth in the invoice certificate delivered to the purchaser of the manure or feeding stuff so analysed.

Quarterly report to Board of Agriculture.

13. Every analyst appointed under this Act shall report quarterly to the Board of Agriculture the number and nature of the articles analysed by him under this Act during the foregoing quarter, and shall specify the result of each analysis, and the sum paid to him in respect thereof, and may at any time, and, if required so to do by the purchaser or the vendor of any article so analysed, or by the Board of Agriculture, shall immediately after issuing the certificate of the result of any analysis, send to the Board of Agriculture a copy of such certificate, with a report of the circumstances under which such analysis was made.

Proceedings against offenders.

14. When the analyst having analysed any sample of manure or feeding stuff shall have given his certificate of the result, from which it may appear that such manure or feeding stuff has been misrepresented in the invoice certificate thereof in any of the particulars required under section four of this Act to be truly stated in such certificate, or that any other offence against any of the provisions of this Act has been committed, the purchaser causing the analysis to be made, or the Board of Agriculture, or the county council, or any corporate or agricultural society, may take proceedings for the recovery of the penalty or penalties herein imposed for such offence or offences before any justices in petty sessions assembled, having jurisdiction in the place where the manure or feeding stuff sold was actually delivered to the purchaser, in a summary manner.

Every penalty imposed by this Act shall be recovered, in England in the manner prescribed by the eleventh and twelfth of Victoria, chapter forty-three; in Scotland, in the manner directed by the Summary Procedure Act, 1864, and any Act amending the same, or by any police or other Act, for the time being in force in any place, and providing for the recovery of penalties; in Ireland, in the manner directed by the Petty Sessions (Ireland) Act, 1851, and any Act amending the same; and in Dublin, by

A.D. 1891.

the Acts regulating the powers of justices of the peace or of the police of Dublin metropolis.

Certificate of analyst to be primâ facie evidence for the prosecution.

15 At the hearing of the information in such proceedings, the production of the certificate of the analyst shall be sufficient evidence of the facts therein stated, unless the defendant shall require that the analyst shall be called as a witness, and that the part of the sample retained by the purchaser shall be produced.

Power to justices to obtain analysis.

16. The justices before whom any complaint may be made, or the Court before whom any appeal may be heard under this Act, may, upon the request of either party, in their discretion cause a sample, sufficient in quantity, of any artificial manure or feeding stuff to be sent to the Board of Agriculture, who shall thereupon direct any officer under the Board appointed for this purpose to make an analysis of such sample, and the expense of such analysis shall be paid by the complainant or defendant as the justices may by order direct.

Appeals.

17. Any person who has been convicted of any offence against this Act by any justices may appeal, in England, to the next general or quarter sessions of the peace, which shall be held for the city, county, town, or place wherein such conviction shall have been made, provided that such person enter into a recognisance within three days next after such conviction, with two sufficient sureties, conditioned to try such appeal, and to be forthcoming to abide the judgment and determination of the court at such general or quarter sessions, and to pay such costs as shall be by such court awarded; and the justices before whom such conviction shall be had are hereby empowered and required to take such recognizance, and the court at such general or quarter sessions are hereby required to hear and determine the matter of such appeal, and may award such costs to the party appealing or appealed against as they or he shall think proper.

In Scotland and in Ireland, in like cases as in England, an appeal shall lie in manner in that behalf provided by the law of Scotland and of Ireland respectively.

Defendant to be discharged if he prove that he bought the article in the same state as sold, and with a warranty.

18. If the defendant in any prosecution under this Act prove to the satisfaction of the justices or court that he had purchased such artificial manure or feeding stuff from another person with an invoice certificate signed and delivered to him by such person, that he had no reason to believe at the time when he sold such manure or feeding stuff that they were misrepresented in such certificate, and that he sold such manure or feeding stuff in the same state as

when he purchased it, he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he shall have given notice that he will rely on the above defence, and shall have no remedy under this Act against the person from whom he purchased such manure or feeding stuff, unless he shall have submitted proper samples thereof to the public analyst within seven days from the completion of such purchase.

Penalties for forging or fraudulently applying certificates.

19. Every person who shall forge, or shall utter knowing to be forged, for the purposes of this Act, any certificate as provided for under this Act, shall be guilty of a misdemeanor, and shall be punishable on conviction by imprisonment for a term not exceeding *two years* with hard labour.

Every person who shall, in any proceedings under this Act, wilfully apply to any package containing artificial manure or feeding stuffs a certificate, or a mark of identification corresponding to such certificate given or used in describing or identifying any other and different artificial manure or feeding stuff or package thereof, shall be guilty of an offence under this Act, and shall be liable, on summary conviction, to a penalty not exceeding *twenty pounds*.

Other remedies not to be affected.

20. Nothing in this Act contained shall affect the power of proceeding by indictment, or take away any other remedy against any offender under this Act, or in any way interfere with any right or remedy by civil process at law or equity which any party aggrieved by any offence against this Act might have had if this Act had not been passed.

Margin of deviation from guaranteed percentages.

21. The Board of Agriculture may by order prescribe in respect of any artificial manure or feeding stuff what shall be held to be a reasonable percentage of deviation from the percentages of any of the constituents of such manure or feeding stuff required to be stated in an invoice certificate; and whenever an analysis of any article under the provisions of this Act shall show a deficiency of any such constituent not exceeding the percentage of deviation so prescribed, such invoice certificate shall not be deemed a misrepresentation within the meaning of this Act.

A.D. 1891.

SCHEDULE.

FORM OF ANALYST'S CERTIFICATE.

To*

I, the undersigned, public analyst under the Adulteration of Artificial Manures and Feeding Stuffs Act, 1891, for the do hereby certify that I received on the day of 18 , from † , a sample of for analysis, and have analysed the same, and declare the result of my analysis to be as follows:—

I am of opinion that the said sample contained the parts as under, or the per-centages of constituent substances as under:—

I have examined the invoice certificate tendered or delivered with said sample, and find that it corresponds with the results of my analysis;
or that it differs from the results of my analysis in the following particulars; that is to say,

Observations.

* Here insert the name of the person submitting the article for analysis.
† Here insert the name of the person delivering the sample.

Artificial Manures, &c. (Adulteration), No. 2.

A

B I L L

For the better Prevention of Frauds in the Manufacture and Sale of Artificial Manures and Feeding Stuffs.

(*Prepared and brought in by Mr. Channing, Mr. Halley Stewart, Mr. Seale Hayne, Mr. Cobb, Sir Walter Foster, Dr. Farquharson, and Sir John Swinburne.*)

Ordered, by The House of Commons, *to be Printed*, 9 *June* 1891.

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[*Price 2d.*]

[Bill 356.]

A

B I L L

TO

Regulate the Remuneration payable to Clerks to Commissioners of Income Tax and Inhabited House Duties, and to Assessors thereof. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Abolition of poundage to clerks to Commissioners and assessors.

1. The allowances by way of poundage which a clerk to Commissioners of Income Tax and Inhabited House Duties is entitled by virtue of the Taxes Management Act, 1880, to receive whether by warrant under the hands of those Commissioners, or by the authority of the Treasury, and which an assessor is entitled to receive by virtue of that Act, are hereby abolished as respects the year commencing on the *sixth day of April one thousand eight hundred and ninety-one* and any subsequent year.

Allowance to clerks to Commissioners.

2. The person holding the office of Clerk to the Commissioners of Income Tax and Inhabited House Duties shall, in lieu of the allowances by way of poundage which he would have received if this Act had not been passed, receive the same amount as the amount of the like allowances to the clerk for the year which commenced on the sixth day of April one thousand eight hundred and ninety.

Allowance to assessors.

3. The Assessor of Income Tax and Inhabited House Duties for any area of assessment shall, in lieu of the allowance which he would have received if this Act had not been passed, receive—

(*a.*) In respect of assessments of the duties under Schedules (D.) and (E.) of the Income Tax Acts, the same amount as the amount of the allowance to the assessor for the year which commenced on the sixth day of April one thousand eight hundred and ninety, and also

A.D. 1891.

(*b.*) In any year in which he acts as assessor of the duties under Schedules (A.) and (B.) of the Income Tax Acts and of Inhabited House Duties, the same amount as the amount of the allowance to the assessor appointed for the year which commenced on the sixth day of April one thousand eight hundred and eighty-eight in respect of the assessments for those duties:

Provided that in the event of a change in any area of assessment the Commissioners of Income Tax and Inhabited House Duties for the division or district shall have power to adjust and apportion the amounts receivable under this section as they shall think fit.

Amendment of 43 & 44 Vict. c. 19.

4. The Taxes Management Act, 1880, shall be read, as respects the year commencing on the *sixth day of April one thousand eight hundred and ninety-one* and any subsequent year, as if the amount to be received by the clerk under this Act were substituted for all the allowances by way of poundage in clause one in the First Schedule to that Act, and as if the amount to be received by the assessor under this Act were substituted for the allowance in paragraph (*a*) of clause two of the same schedule.

This Act not to affect 48 & 49 Vict. c. 51. s. 25.

5. Nothing in this Act contained shall have any operation or effect in the case of an assessor appointed to act in a division or district where the Commissioners of Income Tax and Inhabited House Duties have fixed or shall hereafter fix the amount of the remuneration of such assessor under section twenty-five of the Customs and Inland Revenue Act, 1885.

Short title.

6. This Act may be cited as the Assessment of Taxes (Poundage Abolition) Act, 1891.

Assessment of Taxes (Regulation of Remuneration).

A

B I L L

To regulate the Remuneration payable to Clerks to Commissioners of Income Tax and Inhabited House Duties, and to Assessors thereof.

(*Prepared and brought in by Mr. Jackson and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 17 *February* 1891.

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[*Price* ½*d.*]

[Bill 221.]

A

B I L L

TO

Amend the Law with regard to Assistant County Surveyors in Ireland. A.D. 1891.

WHEREAS, by certain Acts passed in the sixth and seventh years of King William the Fourth, and the twenty-fourth and twenty-fifth years of Her present Majesty, certain provisions are made relating to the salaries of assistants to county surveyors in Ireland; and by section seven of the last-recited Act it is provided that each of such assistants shall be paid such salary, not exceeding eighty pounds per annum, as the grand jury shall direct, and the same shall be presented by the grand jury, by half-yearly instalments, at each assizes:

And whereas it is expedient to make other provisions relating to the said offices, and to amend the said Act:

And whereas it is expedient that provision should be made to enable superannuation allowances to be granted by grand juries to assistant county surveyors:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Assistant County Surveyors (Ireland) Act, 1891.

Grand jury of any county in Ireland to alter yearly salary of assistant county surveyor to any sum not exceeding 150*l.* per annum.

2. It shall be lawful for the grand jury of any county in Ireland, if they shall so think fit, at any spring assizes for such county which shall be held after the *passing of this Act*, to determine by resolution, in writing, that the yearly salary payable to any assistant county surveyor shall be raised to such yearly salary, not exceeding *one hundred and fifty* pounds, as the grand jury shall think fit; and the foreman of such grand jury shall indorse on the resolution so passed the word "Approved," and the amount of the annual salary approved, and the secretary of the grand jury shall submit

A.D. 1891.

the same to the next presentment sessions for the county at large for approval.

No assistant surveyor eligible to be county surveyor except he is under 45 and over 26 years of age.

3. No assistant county surveyor shall be eligible for the appointment of county surveyor who shall, at the time of such appointment, be more than *forty-five* or less than *twenty-six* years of age.

Grand jury may grant to assistant surveyor, with consent of Lord Lieutenant, such annual allowance as they think fit, not exceeding two thirds of salary; such allowance to be presented and levied as salary.

4. Any grand jury in Ireland may, if they shall so think fit, with the consent of the Lord Lieutenant or other Chief Governor of Ireland, grant to any assistant county surveyor in their service who shall become incapable of discharging the duties of his office with efficiency, by reason of permanent infirmity of mind or body, or of old age, upon his resigning or otherwise ceasing to hold his office, such annual allowance as they may think fit, not exceeding in amount *two thirds* of the annual salary payable to such assistant at the date of his so resigning or ceasing to hold office, and such allowance shall, after the grant of the same, from time to time be presented without previous application at presentment sessions, and shall be levied and raised in like manner in every respect as if the same were the salary of such person, and as if he had continued in office.

Such allowances to be paid to or in trust for such officer, and not to be assignable nor chargeable with debts or liabilities.

5. All allowances granted under this Act shall be payable to or in trust for such officer only, and shall not be assignable for, nor chargeable with, his debts or other liabilities.

Assistant County Surveyors (Ireland).

A

B I L L

To amend the Law with regard to Assistant County Surveyors in Ireland.

(*Prepared and brought in by Mr. Lea, Mr. W. Johnston, and Mr. T. W. Russell.*)

Ordered, by The House of Commons, *to be Printed*, 15 *July* 1891.

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[Bill 412.]

Bankruptcy (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title and construction of Act with 20 & 21 Vict. c. 60., and with 35 & 36 Vict. c. 58.
2. Interpretation of terms.
3. Duties of sheriff as to goods taken in execution.
4. Sale of assets by sheriff.
5. Landlord's seizure to be for six months rent only.
6. Acts of bankruptcy.
7. A debtor who calls a private meeting and not carrying composition to be made bankrupt.
8. Debtor must file verified statement. The statement to be verified by affidavit.
9. Official assignee to summon meeting of creditors. Official assignee to act as secretary to meeting, and to take evidence, and notes of the proceedings.
10. Creditors may be represented by proxy.
11. Form and scope of proxy instrument.
12. Official assignee to cause valuation of debtors assets to be made if so required.
13. Creditors may adjourn meeting.
14. Explanation of terms.
15. Power to elect chairman, and provision for attendance of debtor at meeting.
16. Debtor may be examined in open court. Evidence to be read over to him.
17. Creditors may accept or refuse composition.
18. Composition to be submitted to the court for ratification.
19. Court may decline to discharge bankrupt.
20. Court may refuse to approve of composition.
21. Court may approve or disapprove.
22. If approved, seal of Court to be attached.
23. If approved, to be binding on all the creditors.

Clause.
24. Certificate of official assignee to be conclusive.
25. Composition may be enforced by Court.
26. Court may annul the composition and adjudge debtor bankrupt.
27. Composition to be published in Gazette.
28. Court in case of fraud may annul proceedings.
29. Court may commit debtor in case of fraud.
30. Discharge from bankruptcy no safeguard in case of fraud.
31. Undischarged bankrupt taking twenty pounds credit guilty of misdemeanor.
32. Discharge of bankrupt.
33. Sections of Act of 20 & 21 Vict. c. 60. repealed.
34. Commencement of Act.
35. Limit of Act.

SCHEDULES.

A

B I L L

TO

Amend the Law of Bankruptcy in Ireland.

A.D. 1891.

WHEREAS it is expedient to amend the laws relating to bankruptcy in Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction of Act with 20 & 21 Vict. c. 60., and with 35 & 36 Vict. c. 58.

1. This Act may be cited as the Bankruptcy (Ireland) Act, 1891, and shall be construed together with so much of the Irish Bankrupt and Insolvent Act, 1857, as was not repealed by the Bankruptcy (Ireland) Amendment Act, 1872, and together with the Bankruptcy (Ireland) Amendment Act, 1872, except so far as the said Act of 1872 is not repugnant to anything contained in this Act.

Interpretation of terms.

2. The terms in this Act shall have the same meanings as in the Irish Bankrupt and Insolvent Act, 1857, and in the Bankruptcy (Ireland) Amendment Act, 1872.

Duties of sheriff as to goods taken in execution.

3.—(1.) Where any goods of a debtor are taken in execution and before the sale thereof, or the completion of the execution by the receipt or recovery of the full amount of the levy, notice is served on the sheriff that a bankruptcy order has been made against the debtor, the sheriff shall, on request, deliver the goods and any money seized or received in part satisfaction of the execution to the official assignee, but the costs of the execution shall be a first charge on the goods or money so delivered, and the official or trade assignee may sell the goods, or an adequate part thereof, for the purpose of satisfying the charge.

(2.) Where under an execution in respect of a judgment for a sum exceeding *twenty pounds*, the goods of a debtor are sold or money is paid in order to avoid sale, the sheriff shall deduct his

A.D. 1891.

costs of the execution from the proceeds of sale or the money paid, and retain the balance for fourteen days, and if within that time notice is served on him of a bankruptcy petition having been presented against or by the debtor, and a receiving order is made against the debtor thereon or on any other petition of which the sheriff has notice, the sheriff shall pay the balance to the official assignee, who shall be entitled to retain the same as against the execution creditor.

Sale of assets by sheriff.

4. Where any goods of a debtor are taken in execution, and the sheriff has notice of another execution or other executions, the court shall not consider an application for leave to sell privately until the notice directed by rules of court has been given to the other execution creditor or creditors, who may appear before the court and be heard upon the application.

Landlord's seizure to be for six months' rent only.

5. The landlord or other person to whom any rent is due from a debtor whose goods or effects are under seizure by the sheriff, or from a bankrupt, may, at any time, either before or after the bankruptcy, distrain upon such goods or effects for the rent due to him, with this limitation, that it shall be levied only for *six months'* rent due at the time of seizure or adjudication in bankruptcy, but the landlord or other person to whom the rent may be due may prove under bankruptcy for the surplus due at the time of seizure.

Acts of bankruptcy.

6. A debtor commits an Act of bankruptcy if execution against him has been levied by seizure of his goods under process in an action in any court, or in any civil proceeding in the High Court, and the goods have been either sold or held by the sheriff for twenty-one days.

Provided that, where an interpleader summons has been taken out in regard to the goods seized, the time elapsing between the date at which such summons is taken out and the date at which the sheriff is ordered to withdraw, or any interpleader issue ordered thereon is finally disposed of, shall not be taken into account in calculating such period of twenty-one days.

Any person who is for the time being entitled to enforce a final judgment shall be deemed a creditor who has obtained a final judgment in a county or superior court.

Debtor must file verified statement whether he calls a private

7. Any debtor who, being unable to meet his engagements, calls a meeting of his creditors and lays before them a statement of his affairs and offers a composition, shall be deemed to have declared himself insolvent, and if such offer of composition be not accepted

at said meeting by two thirds in number and value of the creditors present or represented at said meeting, or at an adjourned meeting so adjourned for the purpose of enabling him to amend his offer, he, the said debtor, shall thereby be deemed to have committed an act of bankruptcy, and on the application to the court by one or more creditors to whom he is severally or jointly indebted for the sum of twenty pounds or upwards, shall by the court be adjudicated a bankrupt, and be subjected to the process and procedure consequent thereon.

meeting of his creditors or petitions the court for protection.

8.—(*a.*) Every such debtor so adjudicated, and

(*b.*) Any debtor who may petition the court for protection shall, within one week from being, as in the first case, so adjudicated a bankrupt, and, in the second case, from so petitioning the court for protection, file a statement of his affairs showing in detail his liabilities and assets, and setting out the names and addresses of all his creditors and the sum or sums of *ten pounds* and upwards due to each creditor. The said statement shall show the status of each creditor as secured, partly secured, or unsecured; and it shall also set out opposite each debt the consideration therefor.

(1.) The debtor shall at the same time file an affidavit, in the form in the schedule hereto, verifying the said statement, and showing that no agreement for the purpose of promoting or carrying his composition or scheme was entered into between him and any other person or persons, and that no understanding existed between him and any other person or persons, the meaning of which would be the giving a benefit or preference to any one or more creditor or creditors to the prejudice of the other creditors.

The statement to be verified by affidavit.

Provided always, that it shall and may be lawful to and for the debtor, with the leave of the court, to correct and supply any errors and omissions that may be in his said statement.

9. The official assignee shall within one fortnight from the filing of the said statement summon a meeting of the creditors, of which meeting each creditor shall get not less than six days notice, and together with the notice summoning the said meeting he shall send to each creditor a copy of the debtor's statement, and also the offer of composition or scheme of arrangement. The court shall have power, on cause shown, to extend the time for these purposes.

Official assignee to summon meeting of creditors.

1. Such meeting shall be held at the chambers of the official assignee, or at such other place as, in the opinion of the court, shall be most convenient for three fifths in number and value of the creditors;

Official assignee to act as secretary to meeting, and to take evidence.

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2. And the official assignee or his representative present at such meeting shall have power to examine on oath the debtor or any other person or persons whose evidence may tend to a complete disclosure of all facts and circumstances connected with the case, and the official assignee or his deputy shall attend such meeting and act as secretary thereof, and take notes of the proceedings.

Any creditor can be represented by proxy at meetings of creditors.

10. At all meetings of crditors any creditor may be represented by proxy in the form prescribed by Schedule B., and setting forth whether the proxy holder is authorised to vote for or against the proposed offer of composition, or is authorised to use his best discretion on the occasion.

Form and scope of proxy instrument.

11.—(1.) Every instrument of proxy shall be in the prescribed form, and shall be issued by the creditor or creditors, if a firm or company, and stamped by the official assignee, and every insertion therein shall be in the handwriting of the person giving the proxy, or of any manager or clerk, or other person in his regular employment, or of any commissioner to administer oaths in the supreme court.

(2.) General and special forms of proxy shall be sent by the official assignee to the creditors together with a notice summoning a meeting of creditors, and neither the name nor the description of any person shall be printed or inserted in the body of any instrument of proxy before it is so sent.

(3.) A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof on all or any of the following matters:—

(*a.*) For or against any specific proposal for a composition or scheme of arrangement:

(*b.*) On all questions relating to any matter, other than those above referred to, arising at any specified meeting or adjournment thereof.

Official assignee to cause valuation of debtor's assets to be made.

12. The official assignee shall, if required by a resolution of the creditors at such meeting, cause a valuation of the debtor's property and assets to be made, and he shall adjourn the meeting for such time as, in the opinion of the majority of the creditors present or represented, shall be most convenient.

Creditors may adjourn meeting.

13. The creditors, by resolution, shall have power to adjourn such meeting from time to time or to such other place as they may deem desirable.

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Explanation of terms.

14. The word "resolution" shall mean the decision arrived at by three fifths in number and value of the creditors present or represented at such meeting, and the same shall be binding on all the other creditors, whether absent, present, or represented. Secured debts to the amount secured shall not be included in the debtor's liabilities, but shall be duly explained, as well as the consideration therefor.

Power to elect chairman, and provision for attendance of debtor at meeting.

15. At such meeting, or any adjournment thereof, the creditors shall have power to elect a chairman, who shall sign the minutes of the said meeting, and the said minutes shall form part of the proceedings and shall be placed on the record in the said matter. The debtor shall attend each meeting, unless his presence be dispensed with by a vote of a majority of the creditors, but the meeting may proceed in his absence, and any decision arrived at shall not be invalidated by reason of his absence.

Debtor may be examined in open court.

16. The meeting may be adjourned for the purpose of having the debtor examined in court, if, in the opinion of a majority of the creditors present at such meeting, such examination would be advisable. Notes of such public examination to be taken and read over to the debtor.

Creditors may accept or refuse composition, and appoint a trade assignee if refused.

17. At such meeting, or any adjournment thereof, the creditors may by resolution accept the debtor's offer of composition or scheme of arrangement, or any modification thereof, or may reject the same and elect to have the petitioning debtor adjudicated bankrupt, and in the case of the debtor already adjudicated bankrupt to have same confirmed, in both of which cases a trade assignee shall then be appointed to act with the official assignee.

Composition to be submitted to the court for ratification.

18. If the creditors accept the offer or scheme of arrangement, whether on the debtor's original or amended offer, the same shall be submitted to the court within one week, and the court shall ratify the same in the hearing and presence of the chairman of the meeting at which such assent was given, and if the chairman should not be able to attend, then in the presence and hearing of any one or more of the creditors present at such meeting, provided that same was agreed to by three fifths in number and value of all the creditors, and being so every creditor shall be bound to accept such composition.

Court may decline to discharge bankrupt.

19. If the court is of opinion that the terms of the proposal are not reasonable, or are not calculated to benefit the general body of creditors, or in any case in which the court is required where the

A.D. 1891.

debtor is adjudged bankrupt to refuse his discharge, the court shall refuse to approve the proposal.

Court may refuse to approve of composition.

20. If any facts are proved on proof of which the court would be required either to refuse, suspend, or attach conditions to the debtor's discharge were he adjudged bankrupt, the court shall refuse to approve the proposal, unless it provides reasonable security for payment of not less than *seven shillings and sixpence* in the pound on all the unsecured debts provable against the debtor's estate.

Court may approve or disapprove.

21. In any other case the court may either approve or refuse to approve the proposal.

If approved, seal of Court to be attached.

22. If the court approves the proposal, the approval may be testified by the seal of the court being attached to the instrument containing the terms of the proposed composition or scheme, or by the terms being embodied in an order of the court.

If approved, to be binding on all the creditors.

23. A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in bankruptcy, but shall not release the debtor from any liability under a judgment against him in an action for seduction, or under an affiliation order, or under a judgment against him as a co-respondent in a matrimonial cause, except to such an extent and under such conditions as the court expressly orders in respect of such liability.

Certificate of official assignee to be conclusive.

24. A certificate of the official assignee that a composition or scheme has been duly accepted and approved shall, in the absence of fraud, be conclusive as to its validity.

Composition may be enforced by court.

25. The provisions of a composition or scheme under this section may be enforced by the court on application by any person interested, and any disobedience of an order of the court made on the application shall be deemed a contempt of court.

Court may annul the composition and adjudicate debtor bankrupt.

26. If default is made in payment of any instalment due in pursuance of the composition or scheme, or if it appears to the court, on satisfactory evidence, that the composition or scheme cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the court was obtained by fraud, the court may, if it thinks fit, on application by the official assignee, or by any creditor, adjudge the debtor bankrupt,

and annul the composition or scheme, but without prejudice to the validity of any sale, disposition, or payment duly made, or thing duly done, under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this section, any debt provable in other respects, which has been contracted before the adjudication, shall be provable in the bankruptcy.

Composition to be published in Gazette.

27. Every composition or scheme of arrangement that may be agreed to shall by the official assignee be duly published in the Dublin Gazette in the terms thereof.

Court in case of fraud may annul proceedings.

28. If at any time facts come to the knowledge of the court showing that the petition for arrangement, composition, or scheme was brought about by fraud or collusion, the court shall have power to annul the said composition or scheme and to adjudicate such debtor bankrupt.

Court may commit debtor in case of fraud.

29. When there is, in the opinion of the court, ground to believe that the bankrupt or any other person has been guilty of any offence which is by statute made a misdemeanor in cases of bankruptcy, the court may commit the bankrupt or such other person for trial. For the purpose of committing the bankrupt or such other person for trial the court shall have all the powers of a stipendiary magistrate as to taking depositions, binding over witnesses to appear, admitting the accused to bail, or otherwise. Nothing in this section shall be construed as derogating from the powers or jurisdiction of the High Court of Justice in Ireland.

Discharge from bankruptcy no safeguard in case of fraud.

30. Where a debtor has been guilty of any offence which is by statute made a misdemeanor in cases of bankruptcy, he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge, or that a composition or scheme of arrangement has been accepted or approved.

Undischarged bankrupt taking 20*l.* credit guilty of misdemeanor.

31. Where an undischarged bankrupt under this Act obtains credit to the extent of *twenty pounds* or upwards from any person without informing such person that he is an undischarged bankrupt he shall be guilty of misdemeanor, and may be dealt with and punished as if he had been guilty of misdemeanor under the Debtors Act (Ireland), 1872, and the provisions of that Act shall apply to proceedings under this section.

Discharge of bankrupt.

32.—(1.) A bankrupt may, at any time after being adjudged bankrupt, apply to the court for an order of discharge, and the court shall appoint a day for hearing the application, but the

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application shall not be heard until the public examination of the bankrupt is concluded. The application shall be heard in open court.

(2.) On the hearing of the application the court shall take into consideration a report of the official assignee as to the bankrupt's conduct and affairs (including a report as to the bankrupt's conduct during the proceedings under his bankruptcy), and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his after-acquired property: Provided that the court shall refuse the discharge in all cases where the bankrupt has committed any misdemeanor under the Debtors Act, 1869, or the principal Act, or any other misdemeanor connected with his bankruptcy, or any felony connected with his bankruptcy, unless for special reasons the court otherwise determines, and shall, on proof of any of the facts herein-after mentioned, either—

32 & 33 Vict. c. 62.

(i) refuse the discharge; or

(ii) suspend the discharge for a period of not less than *two years;* or

(iii) suspend the discharge until a dividend of not less than *ten shillings* in the pound has been paid to the creditors; or

(iv) require the bankrupt as a condition of his discharge to consent to judgment being entered against him by the official or trade assignee for any balance or part of any balance of the debts provable under the bankruptcy which is not satisfied at the date of the discharge, such balance or part of any balance of the debts to be paid out of the future earnings or after acquired property of the bankrupt in such manner and subject to such conditions as the court may direct; but execution shall not be issued on the judgment without leave of the court, which leave may be given on proof that the bankrupt has since his discharge acquired property or income available towards payment of his debts.

Provided, that if at any time after the expiration of two years from the date of any order made under this section the bankrupt shall satisfy the court that there is no reasonable probability of his being in a position to comply with the terms of such order, the court may modify the terms of the order, or of any substituted order, in such manner and upon such conditions as it may think fit.

A.D. 1891.

(3.) The facts herein-before referred to are :—

(*a.*) That the bankrupt's assets are not of a value equal to *ten shillings* in the pound on the amount of his unsecured liabilities, unless he satisfies the court that the fact that the assets are not of a value equal to ten shillings in the pound on the amount of his unsecured liabilities has arisen from circumstances for which he cannot justly be held responsible :

(*b.*) That the bankrupt has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy :

(*c.*) That the bankrupt has continued to trade after knowing himself to be insolvent :

(*d.*) That the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it :

(*e.*) That the bankrupt has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities :

(*f.*) That the bankrupt has brought on, or contributed to, his bankruptcy by rash and hazardous speculations, or by unjustifiable extravagance in living, or by gambling, or by culpable neglect of his business affairs :

(*g.*) That the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action properly brought against him :

(*h.*) That the bankrupt has within three months preceding the date of the receiving order incurred unjustifiable expense by bringing a frivolous or vexatious action :

(*i.*) That the bankrupt has within three months preceding the date of the receiving order, when unable to pay his debts as they become due, given an undue preference to any of his creditors :

(*j.*) That the bankrupt has within three months preceding the date of the receiving order incurred liabilities with a view of making his assets equal to *ten shillings* in the pound on the amount of his unsecured liabilities :

(*k.*) That the bankrupt has on any previous occasion been adjudged bankrupt, or made a composition or arrangement with his creditors :

A.D. 1891.

(*l.*) That the bankrupt has been guilty of any fraud or fraudulent breach of trust.

(4.) For the purposes of this section a bankrupt's assets shall be deemed of a value equal to *ten shillings* in the pound on the amount of his unsecured liabilities when the court is satisfied that the property of the bankrupt has realised, or is likely to realise, or with due care in realisation might have realised, an amount equal to ten shillings in the pound on his unsecured liabilities, and a report by the official receiver or the trustee shall be primâ facie evidence of the amount of such liabilities.

(5.) For the purposes of this section the report of the official assignee shall be primâ facie evidence of the statements therein contained.

(6.) Notice of the appointment by the court of the day for hearing the application for discharge shall be published in the prescribed manner, and sent fourteen days at least before the day so appointed to each creditor who has proved, and the court may hear the official assignee, and may also hear any creditor. At the hearing the court may put such questions to the debtor and receive such evidence as it may think fit.

(7.) The powers of suspending and of attaching conditions to a bankrupt's discharge may be exercised concurrently.

(8.) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the trustee may require in the realization and distribution of such of his property as is vested in the trustee, and if he fails to do so he shall be guilty of a contempt of court; and the court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition, or payment duly made or thing duly done subsequent to the discharge but before its revocation.

Sections of Act of 20 & 21 Vict. c. 60. repealed.

33. From and after the *passing of this Act* the following provisions of the herein-after named statutes shall be and are hereby repealed, viz., of the Act twenty and twenty-one Victoria, chapter sixty, sections one hundred and thirty-eight, one hundred and forty-nine, three hundred and forty-three, three hundred and forty-four, three hundred and forty-five, three hundred and forty-six, three hundred and forty-seven, three hundred and forty-nine, three hundred and fifty-three, and three hundred and fifty-four as set out in Schedule C.

Commencement of Act.

34. This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-two.*

Limit of Act.

35. This Act shall apply to Ireland only.

SCHEDULES.

SCHEDULE A.

I, *A.B.*, being the debtor in this matter, make oath and say that the statement which I have furnished of my affairs is true in substance and in fact.

To the best of my knowledge, information, and belief, I have truly set out all my creditors, classified as secured, partly secured, or unsecured, as well as the sum or sums due by me.

I further say that my sole reason for presenting my petition for protection was because I was unable to meet all my liabilities.

I say that the presenting of the said petition was honest and bonâ fide, and not due to any fraudulent or collusive agreement, arrangement, or understanding between me and any other person or persons.

I say that I have not incorrectly set out any creditor or creditors in my said statement, and that it is not my intention or object to defeat or delay the claims of any of my said creditors, and that there is no collusion between me and any creditor or creditors, or any other person, the effect of which would be to prejudice the claims of any of my other creditors.

Sworn, &c.

SCHEDULE B.

I, *A.B.*, being a creditor in this matter to the amount of owing to me by the debtor agree (*or* do not agree) to accept the offer of composition made in this case by the debtor, and hereby authorise to act as proxy for me and vote at the next or any future meeting of creditors in this case so long as this proxy remains unaltered by me.

Signed_____

If in partnership, say For self and partner or partners.

Dated this day of 18 .

A.D. 1891.

SCHEDULE C.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
20 & 21 Vict. c. 60.	Bankrupt and Insolvent (Ireland) Act, 1857.	Sections one hundred and thirty-eight, one hundred and forty-nine, three hundred and forty-three, three hundred and forty-four, three hundred and forty-five, three hundred and forty-six, three hundred and forty-seven, three hundred and forty-nine, three hundred and fifty-three, and three hundred and fifty-four.

Bankruptcy (Ireland).

A

B I L L

To amend the Law of Bankruptcy in Ireland.

(Prepared and brought in by Mr. Peter M'Donald, Mr. Sexton, Mr. John Redmond, Mr. M'Cartan, Mr. Thomas Dickson, Mr. Lane, Dr. Commins, Mr. John O'Connor, and Mr. John Barry.)

Ordered, by The House of Commons, *to be Printed,* 27 *November* 1890.

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[*Price 2d.*]

[Bill 120.]

A

B I L L

FOR

Better securing the Purity of Beer.

A.D. 1891.

WHEREAS it is expedient, with a view to enable the public to distinguish between beer brewed from hops and malt from barley and beer composed of other ingredients, to amend the law relating to the sale of beer:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Pure Beer Act, 1891. Short title.

2. Every person who sells or exposes for sale by wholesale or retail any beer brewed from or containing any ingredients other than hops and malt from barley, shall keep conspicuously posted at the bar or other place where such beer is sold or exposed for sale a legible notice stating that other ingredients are contained in such beer. Penalty on selling beer containing other ingredients than hops and malt without giving notice.

Any person who sells or exposes for sale any such beer as aforesaid, without complying with the above enactment, shall be liable to a fine not exceeding in the case of the first offence *five pounds*, and in the case of the second or any subsequent offence *twenty pounds*.

Any fine incurred under this section may be recovered summarily by any informer, and one half of the fine shall in every case be paid to the informer.

3. In this Act the term "beer" includes beer (other than black or spruce beer), ale, and porter. Definition of beer.

4. This Act shall come into operation on *the first day of January one thousand eight hundred and ninety-two*. Commencement of Act.

Beer Adulteration.

A

BILL

For better securing the Purity of Beer.

(*Prepared and brought in by*
Colonel Kenyon Slaney, Sir E. Birkbeck,
Baron Dimsdale, Mr. Round, and Mr. Fellowes.)

Ordered, by The House of Commons, *to be Printed,*
26 *November* 1890.

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and 21, Drury Street, Glasgow; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 75.]

A

B I L L

FOR

Better securing the purity of Beer.

A.D. 1891.

WHEREAS it is expedient, with a view to enable the public to distinguish between beer brewed from hops and malt from barley and beer composed of other ingredients, to amend the law relating to the sale of beer:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Pure Beer Act, 1891. Short title.

2. Every person who sells or exposes for sale, by wholesale or retail, any beer brewed from or containing any ingredients other than hops or malt from barley shall keep conspicuously posted at the bar or other place where such beer is sold or exposed for sale a legible notice stating what other ingredients are contained in such beer. Any person who sells or exposes for sale any such beer as aforesaid without complying with the above enactment shall be liable to a fine not exceeding in the case of the first offence *five pounds*, and in the case of the second or any subsequent offence *twenty pounds*. Any fine incurred under this section may be recovered summarily by any informer, and one half of the fine shall in every case be paid to the informer. Declaration of ingredients on selling beer.

3. In this Act the term "beer" includes beer (other than black or spruce beer), ale, and porter. Definition of beer.

4. This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-two.* Commencement of Act.

Beer Adulteration (No. 2).

A

B I L L

For better securing the purity of Beer.

(*Prepared and brought in by*
Mr. Quilter, Mr. Heneage, Viscount Wolmer,
Sir Henry Selwin-Ibbetson, Mr. Herbert Gardner,
Mr. Francis Stevenson, Mr. Gurdon,
Colonel Lloyd Anstruther, and Mr. Llewellyn.)

Ordered, by The House of Commons, *to be Printed,*
27 *November* 1890.

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88 and 90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 122.]

A

B I L L

INTITULED

An Act to render Penal the inciting Infants to Betting or Wagering or to borrowing Money. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Persons sending documents to an infant inciting to betting guilty of a misdemeanor.

1.—(1.) If anyone, for the purpose of earning commission, reward, or other profit, sends or causes to be sent to a person whom he knows to be an infant any circular, notice, advertisement, letter, telegram, or other document which invites or may reasonably be implied to invite the person receiving it to make any bet or wager, or to enter into or take any share or interest in any betting or wagering transaction, or to apply to any person or at any place, with a view to obtaining information or advice for the purpose of any bet or wager, or for information as to any race, fight, game, sport, or other contingency upon which betting or wagering is generally carried on, he shall be guilty of a misdemeanor, and shall be liable, if convicted on indictment, to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both imprisonment and fine, and if convicted on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding one month, or to a fine not exceeding twenty pounds, or to both imprisonment and fine.

(2.) If any such circular, notice, advertisement, letter, telegram, or other document as in this section mentioned, names or refers to anyone as a person to whom any payment may be made, or from whom information may be obtained, for the purpose of or in relation to betting or wagering, the person so named or referred to shall be deemed to have sent or caused to be sent such document as aforesaid, unless he proves that he had not consented to be so named, and

A.D. 1891.

that he was not in any way a party to, and was wholly ignorant of, the sending of such document.

Persons sending to infants circulars inviting to borrow money guilty of a misdemeanor.

2.—(1.) If anyone, for the purpose of earning interest, commission, reward, or other profit, sends or causes to be sent to a person whom he knows to be an infant any circular, notice, advertisement, letter, telegram, or other document which invites or may reasonably be implied to invite the person receiving it to borrow money, or to enter into any transaction involving the borrowing of money, or to apply to any person or at any place with a view to obtaining information or advice as to borrowing money, he shall be guilty of a misdemeanor, and shall be liable, if convicted on indictment, to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both imprisonment and fine, and if convicted on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding one month, or to a fine not exceeding twenty pounds, or to both imprisonment and fine.

(2.) If any such document as above in this section mentioned sent to an infant purports to issue from any address named therein, or indicates any address as the place at which application is to be made with reference to the subject-matter of the document, and at that place there is carried on any business connected with loans, whether making or procuring loans or otherwise, every person who attends at such place for the purpose of taking part in or who takes part in or assists in the carrying on of such business shall be deemed to have been guilty of an offence against this Act, unless he proves that he was not in any way a party to and was wholly ignorant of the sending of such document.

Knowledge of infancy presumed in certain cases.

3. If any such circular, notice, advertisement, letter, telegram, or other document is sent to any person at any university, college, school, or other place of education, and such person is an infant, the person sending or causing the same to be sent shall be deemed to have known that such person was an infant, unless he proves that he had reasonable ground for believing such person to be of full age.

Soliciting infant to make affidavit in connexion with loan.

4. If anyone, except under the authority of any court, solicits an infant to make an affidavit or statutory declaration for the purpose of or in connexion with any loan, he shall be liable, if convicted on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding one month, or to a fine not exceeding twenty pounds, or to both imprisonment and fine, and if convicted on indictment, to imprisonment, with or without hard

labour, for a term not exceeding three months, or to a fine not exceeding one hundred pounds.

Avoiding contract for payment of loan advanced during infancy.

5. If any infant, who has contracted a loan which is void in law, agrees after he comes of age to pay any money which in whole or in part represents or is agreed to be paid in respect of any such loan, and is not a new advance, such agreement, and any instrument, negotiable or other, given in pursuance of or for carrying into effect such agreement, or otherwise in relation to the payment of money representing or in respect of such loan, shall, so far as it relates to money which represents or is payable in respect of such loan, and is not a new advance, be void absolutely as against all persons whomsoever.

For the purposes of this section any interest, commission, or other payment in respect of such loan shall be deemed to be a part of such loan.

Person charged a competent witness.

6. In any proceeding against any person for an offence under this Act such person and his wife or husband, as the case may be, may, if such person thinks fit, be called, sworn, examined, and cross-examined as an ordinary witness in the case.

Application to Scotland.

7. In the application of this Act to Scotland:

The word "infant" means and includes any minor or pupil:

The word "indictment" has the same meaning as in the Criminal Procedure (Scotland) Act, 1887:

50 & 51 Vict. c. 35.

The expression "summary conviction" means a conviction under the Summary Jurisdiction (Scotland) Acts.

Short title.

8. This Act may be cited as the Betting and Loans (Infants) Act, 1891.

Betting and Loans (Infants). [H.L.]

A

B I L L

INTITULED

An Act to render Penal the inciting Infants to Betting or Wagering or to borrowing Money.

(*Brought from the Lords* 9 *June* 1891.)

Ordered, by The House of Commons, *to be Printed,* 16 *June* 1891.

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HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 367.]

A

B I L L

TO

Amend the Bills of Sale Act, 1890.

A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Exemption of securities on imported goods from 41 & 42 Vict. c. 31, and 45 & 46 Vict. c. 43.

1. Section one of the Bills of Sale Act, 1890, shall be amended so as to read as follows: An instrument charging or creating any security on or declaring trusts of imported goods given or executed at any time prior to their deposit in a warehouse, factory, or store, or to their being reshipped for export, or delivered to a purchaser not being the person giving or executing such instrument, shall not be deemed a bill of sale within the meaning of the Bills of Sale Acts, 1878 and 1882.

Short title.

2. This Act may be cited as the Bills of Sale Act, 1891.

[Bill 215.]

Bills of Sale Act (1890) Amendment.

A

B I L L

To amend the Bills of Sale Act, 1890.

(*Prepared and brought in by Mr. W. H. Cross, Mr. W. F. Lawrence, Mr. Rathbone, Mr. Royden, and Mr. Whitley.*)

Ordered, by The House of Commons, *to be Printed*, 16 *February* 1891.

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HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 215.]

A

B I L L

TO

Amend the Law in regard to the Education of Blind and Deaf-mute Children in England and Wales. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may be cited as the Education of Blind and Deaf-mute Children Act, 1891, and shall be construed, as far as possible, as one with the Elementary Education Acts, 1870 to 1880.

Extent and commencement of Act.

2. This Act shall not extend to Scotland or Ireland, and shall come into operation on the *first day of November one thousand eight hundred and ninety-one* (which day is in this Act referred to as the commencement of this Act).

Declaration of duty of parent of a blind or deaf-mute child to educate such child; meaning of "reasonable excuse." 33 & 34 Vict. c. 75. 39 & 40 Vict. c. 79.

3. After the commencement of this Act it shall be the duty of the parent of a blind or deaf-mute child to cause such child to receive efficient elementary education in reading, writing, and arithmetic; and it shall not be deemed by itself a reasonable excuse within the meaning of section seventy-four of the Elementary Education Act, 1870, or of sections eleven and twelve of the Elementary Education Act, 1876, for the non-performance of such duty that such child is blind or a deaf mute, except in the case of a deaf-mute child under seven years of age; nor shall it be a reasonable excuse, within the like meaning, for the non-performance of such duty that there is no public elementary school open for the attendance of a child within a distance of two miles, measured according to the nearest road, from the residence of such child; nor that although there be such public elementary school within such distance so measured, no provision is made thereat for the efficient elementary education and industrial training of such a blind or deaf-mute child; and any parent failing to perform such duty, from any other cause than poverty, shall be liable to such orders and

A.D. 1891.

penalties as are by the Elementary Education Act, 1876, and by this Act provided in that behalf.

Duty of school board or school attendance committee to provide education, &c. for blind and deaf-mute children. Procedure for enforcement of duty.

4. If the parent, not being a pauper, of a blind or deaf-mute child is, from poverty, unable to pay for the efficient elementary education in reading, writing, and arithmetic of such child, it shall be the duty, if such child is residing in a school district within the jurisdiction of a school board, of that school board, or, if such child is residing in any other school district, of the school attendance committee for such district appointed under the provisions of the Elementary Education Act, 1876, to provide for the efficient elementary education of such child in reading, writing, and arithmetic and for such child's industrial training, either in a school belonging to such or some other school board or in some other school or institution approved of by the Education Department; and where necessary such school board or school attendance committee, as the case may be, shall be bound to provide for the lodging and maintenance of such child, either at such school or institution or at some place approved of by such school board or school attendance committee, and for the conveyance of such child to and from such school, institution, or place.

Cost of educating, &c. blind and deaf-mute children to be paid by school board out of the school funds; by authority appointing school attendance committee out of fund to be raised as directed by 39 & 40 Vict. c. 79.

5. Where the duty of providing for the efficient elementary education and industrial training, or for the efficient elementary education, industrial training, and maintenance of a blind or deaf-mute child is by this Act cast on a school board, the cost of such education and training, or of such education, training, and maintenance, shall be borne and paid by such school board out of the school funds; and where such duty is similarly cast on a school attendance committee, such cost shall be borne by the authority appointing such school attendance committee, and shall be paid by such authority in the same manner and out of the same funds as expenses incurred by a school attendance committee are directed to be raised and paid by the Elementary Education Act, 1876: Provided that in all cases where the duty of making such provision as aforesaid is by this Act cast on a school board or school attendance committee, the parent of the child in whose behalf such provision is made shall, if of sufficient ability, be liable to contribute thereto, and on the complaint of such school board or school attendance committee, or of any officer of such school board or school attendance committee, at any time during the period that the duty of making such provision as aforesaid rests on such school board or school attendance committee, two justices or a magistrate having jurisdiction at the place where the parent so liable as aforesaid is residing may, on

Parent of blind or deaf-mute child to be liable to contribute to his education, &c. Procedure for enforcement of such liability.

summons to such parent, examine into his ability to contribute to such provision, and may, if they or he think fit, make an order on him for the payment to such school board or school attendance committee, or to any officer of such school board or school attendance committee, of such weekly sum as aforesaid during such period as aforesaid or during any part thereof. Every such order may specify the time during which such payment is to be made, or may direct payment until further order.

Attendance order made after commencement of Act to name school or institution to which child is to be sent.

6.—(1.) Any attendance order made after the commencement of this Act under the provisions of the eleventh and twelfth sections of the Elementary Education Act, 1876, in respect of a blind or deaf-mute child whose parent, from any other cause than poverty, habitually neglects such child, or habitually permits such child to wander and consort with criminals or disorderly persons, shall in every case state the school or institution which such child shall attend or to which such child shall be sent; and such school or institution shall in every case be one at which such education and industrial training is given to blind and deaf-mute children as is contemplated by the fourth section of this Act in the case of blind or deaf-mute children of a poor parent.

Cost of education, training, and maintenance of a blind or deaf-mute child, the subject of an attendance order, to be paid by parent.

(2.) The whole of the cost of the education and industrial training of such child at such school or institution so to be named in such attendance order, as well as the cost (if any) of the maintenance of such child at, and of the conveyance of such child to and from, such school or institution, shall be borne by the parent of such child, and shall be recoverable against such parent by the authority making the complaint upon which such attendance order is made on the order of any court of summary jurisdiction.

Regard to be had to religious persuasion of child.

7.—(1.) In the performance of its duty under this Act with respect to a blind or deaf-mute child, a school board or school attendance committee shall have regard to the religious persuasion of such child, and shall, as far as possible, arrange that if such child attends a school or institution, not being a public elementary school especially providing for the efficient elementary education and industrial training of blind or deaf-mute children, such school or institution shall be one conducted in accordance with the same religious persuasion; and if such child is boarded out, shall arrange for the boarding and being with a person belonging to the same religious persuasion.

(2.) A child shall in no case be compelled to receive religious instruction contrary to the wishes of its parents.

A.D. 1891.

Saving as to rights of parent, &c.

8.—(1.) The parent of a blind or deaf-mute child shall not, by reason of any payment made under this Act in respect of the education, industrial training, or maintenance of such child, be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

(2.) Payments under this Act in respect of the education, industrial training, or maintenance of a blind or deaf-mute child, shall not be made on condition of the child attending any school or institution other than such as, whilst satisfying the requirements of this Act, may be reasonably selected by the parent of such child.

Contribution, &c. by school board towards school for blind and deaf-mute children. Consent of Education Department to such contribution, &c. only to be granted if existing school accommodation for such children is insufficient or unsatisfactory.

9. Any school board may, after the commencement of this Act, from time to time, with the consent of the Education Department, contribute such sums of money and on such conditions as it may think fit towards, or itself undertake the establishment, building, alteration, and management of a school for, the education of blind and deaf-mute children, and the purchase of land required for such a school, and the support of the inmates thereof, and for that purpose shall have the same powers as it has for the purpose of providing sufficient school accommodation for its district; and a school board shall have the same power of borrowing, and the Public Works Loan Commissioners of lending, for the purposes of contributing towards or of establishing, building, or enlarging such a school as is conferred by section ten of the Elementary Education Act, 1873, with respect to providing and enlarging a school-house and otherwise as therein enacted.

Inspection of schools, &c.

10. Every school or institution to which a child is sent in pursuance of this Act shall be at all times open to the inspection of any of Her Majesty's Inspectors of Schools.

Parliamentary grant for education of blind and deaf-mute children.

11. Nothing in any Act of Parliament shall prevent the Education Department from giving aid from the Parliamentary grant to a school board in respect of any blind or deaf-mute children being educated and industrially trained by or at the expense of such school board, or to a school or institution in respect of education and industrial training given to blind or deaf-mute children, to such amount and on such conditions as may be directed by or in pursuance of the minutes of the Education Department in that behalf in force for the time being.

Definitions.

12. A child in this Act means a child between the ages of five and sixteen years.

Terms in this Act shall, so far as is consistent with the tenor thereof, have the same meaning as in the Elementary Education Acts, 1870 to 1880. A.D. 1891.

The expression "industrial training" shall in this Act mean teaching the practice of any trade, profession, or industry or employment, and shall include instruction in the use of tools, processes of agriculture, and modelling in clay, wood, or other material where it is found possible so to instruct any blind or deaf-mute child.

Blind and Deaf-mute Children (Education).

A

B I L L

To amend the Law in regard to the Education of Blind and Deaf-mute Children in England and Wales.

(*Prepared and brought in by Mr. Wardle, Mr. John Ellis, Mr. Aird, Mr. Rathbone, and Mr. Kenrick.*)

Ordered, by The House of Commons, *to be Printed*, 5 *December* 1890.

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[*Price* 1*d.*]

[Bill 155.]

Boilers Registration Bill.

MEMORANDUM.

1. The object of this Bill is to reduce the number of boiler explosions that at present occur throughout the United Kingdom, in order to reduce the sacrifice of human life entailed thereby.

2. To this end the Bill provides for the periodical examination and certification of every boiler, with certain exceptions, throughout the United Kingdom, but the examinations are not to be made, nor are the certificates to be granted by the Board of Trade or by any other department of the Government, but by lay inspectors. Boiler owners are to be free to select their own inspectors or to examine their boilers themselves, but the Bill holds boiler owners responsible for the competency of the inspectors they select.

3. The certificates of safety are to run for a term not exceeding 13 months as a rule, but the Bill contains provisions for extending this term where necessary, to meet the convenience of boiler owners. The certificates are to be renewable on re-examination of the boilers.

4. To ensure the examinations being regularly made, the certificates of safety granted by lay inspectors are to be forwarded to the Board of Trade, and licenses are to be issued by the Board of Trade to boiler owners in exchange for the same. The Board of Trade is to keep a register of the examinations made and take proceedings against boiler owners who neglect to have them renewed in due course.

5. The Bill affords the boiler owner ample time for getting his boilers examined, certificated, and licensed before the Act comes into operation.

6. The boiler owner is to pay for the examination of his boiler, and forward a small fee to the Board of Trade to meet the expense of registration. No moneys will be required from Parliament.

Boilers Registration Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Boilers to be examined, certificated, and licensed.
2. Selection of inspector by and responsibility of boiler owner.
3. Character of examinations.
4. Regulations as to giving certificates and issuing licenses.
5. Extension of license in certain cases.
6. Registration of boilers and appointment and duties of registrar.
7. Boilers to have index numbers attached.
8. Punishment of offences.
9. Punishment of person committing offence for which owner of boiler is liable.
10. Notice to Board of Trade of boilers worked without license.
11. Power to owner to act by agent.
12. Application of fees for licenses—45 & 46 Vict. c. 22; 53 & 54 Vict. c. 35.
13. Service of notices.
14. Forms and instructions in schedules may be modified.
15. Printing and sale of forms.
16. Application of Act.
17. Definitions.
18. Commencement of Act.
19. Short title.

SCHEDULES.

[Bill 28.]

A

B I L L

FOR

The Registration and Inspection of Boilers.

A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Boilers to be examined, certificated, and licensed.

1. Every boiler to which this Act applies shall be examined, certificated, and licensed according to the provisions of this Act.

Selection of inspector by and responsibility of boiler owner.

2.—(1.) The examinations shall be made and the certificate given by the agency of such inspecting association or boiler insurance company, or by such person, whether in the employ of the owner of the boiler or not, as the owner may select as being competent for that purpose; or the owner of the boiler, if competent, may make the examinations himself and give the certificate, and any such inspecting association or boiler insurance company, by whose agency, or any such owner or person by whom any such examinations are made and certificate given, is in this Act referred to as an inspector.

Character of examinations.

(2.) The owner of a boiler shall be responsible for selecting a competent inspector, and the inspector shall be deemed to be the agent of the owner for the purpose of the examinations and the giving of certificates under this Act; and nothing in this Act shall diminish the responsibility of the owner for the fitness in every respect of his boiler, or for the pressure at which it is worked, or for its general keeping, treatment, and management.

3. With respect to the examinations of a boiler, the following provisions shall have effect:—

(1.) At least one steam examination and one entire examination of the boiler, and such other examinations (if any) as may be necessary in order to ascertain the actual condition of the boiler, shall be made within six months before the certificate is given.

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(2.) The steam examination shall be such a full and complete examination of the boiler when under steam as may be necessary, in conjunction with an entire examination, to ascertain whether the condition, construction, and fittings, as well as the setting, general equipment, and surroundings of the boiler, admit of its being safely worked at the desired pressure and for the desired length of time.

(3.) The entire examination shall be such a full and complete external and internal examination of the boiler when at rest, and with the manhole cover and other covers removed, as well as such a full and complete flue examination, if there are any flues, as may be necessary, in conjunction with a steam examination, to ascertain whether the condition, construction, and fittings, as well as the setting, general equipment, and surroundings of the boiler, admit of its being safely worked at the desired pressure and for the desired length of time.

Regulations as to giving certificates and issuing licenses.

4. With respect to the giving of a certificate and the issue of a license for a boiler the following provisions shall have effect:—

(1.) The certificate shall state the date on which each examination required by this Act was made, and also the description of each examination, as well as the pressure of steam per square inch at which, and the period (not exceeding the period allowed by this Act) during which the boiler may be worked, and the inspector before giving the certificate shall satisfy himself from the examinations that the condition, construction, and fittings, as well as the setting, general equipment, and surroundings of the boiler admit of its being safely worked at that pressure and for that period, and the certificate shall contain a declaration by the inspector to that effect.

(2.) The certificate shall be forwarded to the Board of Trade, accompanied by an application in writing for a license and a fee of *one shilling*, and the owner may elect whether he or the inspector who gave the certificate shall make such application and receive the license; and

(*a.*) Should the boiler owner elect to make the application to the Board of Trade, and receive the license himself, he shall accompany the application by

(i.) a declaration stating that the inspector by whom the certificate is given was selected by him as being competent to make the examinations, and give the certificates required by this Act, and that he accepts the said inspector as his agent; and

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(ii.) a request that the Board of Trade shall forward the license to himself at his address given in the application.

(*b.*) Should the boiler owner elect that the inspector who gave the certificate shall make the application to the Board of Trade and receive the license on the boiler owner's behalf, the boiler owner shall forward to the Board of Trade a letter authorising the said inspector to make applications and receive licenses for the boiler until such authorisation is withdrawn, and shall accompany such letter by

(i.) A declaration stating that the said inspector, by whom the certificates are to be given and the applications for the licenses made, was selected by him as being competent to make the examinations and give the certificates required by this Act, and that he accepts the said inspector as his agent; and

(ii.) A request that the Board of Trade shall forward the license to the said inspector at his address given in the application.

(3.) The Board of Trade on receipt, in the form required by this Act, of the said certificate, application, and declaration, together with the said fee, shall issue a license authorising the working of the boiler at the pressure and for the period specified in the certificate, and shall forward such license

(*a*) to the boiler owner if requested so to do by him in the application for the license, and to the address of the boiler owner given therein, or

(*b*) to the inspector if requested so to do by him in the application for the license, and to the address of the inspector given therein, provided that a letter has been received from the owner of the boiler, and has not been withdrawn, authorising the inspector to make applications for the licenses and receive the same on the boiler owner's behalf.

And may forward such license in either case by post or otherwise as they may think fit.

(4.) The period for which a certificate and license may be given under this Act shall not exceed thirteen months from the date of the last entire examination of the boiler;

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Provided that—

(*a.*) Where the entire examination is made within seven days before or after Easter Sunday in any year, the certificate and license may be given for a period expiring not later than seven days after Easter Sunday in the following year, and where the entire examination is made within seven days before or after Whit Sunday in any year, the certificate and license may be given for a period expiring not later than seven days after Whit Sunday in the following year, although that period may exceed thirteen months.

(*b.*) Where the entire examination for a new certificate and license is made within one month of the expiration of the current certificate and license, the new certificate and license may date from the expiration of the current certificate and license.

(5.) For the purpose of allowing an inspector sufficient time for forwarding to the Board of Trade a new certificate for a boiler which has been licensed under this Act, the expiring license shall (unless notice is served on the owner of the boiler by the inspector or the Board of Trade that the new certificate or license is refused) continue in force for one month after the expiration of the period for which the expiring license was granted, but this enactment shall not apply unless the examinations required for the new certificate have been made before the expiration of the said period.

(6.) For the purpose of allowing the Board of Trade sufficient time for forwarding a license for a boiler to the owner or inspector (as the case may be), a license shall, subject to the provisions of this Act respecting the refusal of a license, be deemed to be in force from the date at which the certificate and application for such license were received by the Board of Trade, but this enactment shall not authorise the working of a boiler after notice has been served on the owner that the license is refused.

Extension of license in certain cases.

5. Where the owner of a boiler desires to change the period of the year at which annual certificates for the boiler are given, and for that purpose to postpone in any year the entire examination required by this Act until after the date at which the current license will expire, he shall, subject to the provisions of this Act, be entitled to receive from the Board of Trade a license (in this Act referred to

as an extension license) authorising him to work the boiler for a further period not exceeding six months: A.D. 1891.

Provided that—

(*a.*) The Board of Trade shall not issue an extension license for any boiler unless an application for such license is made in writing before the current license has expired, and is accompanied by a fee of *one shilling* and a certificate given by the inspector by whom the last preceding certificate under this Act with respect to the same boiler was given, stating that he has made a steam examination of the boiler within six months before the date at which the current license will expire, and has satisfied himself from the examinations of the boiler that the term of the current license may safely be extended, and stating the period (not exceeding six months) for which it may be so extended; and

(*b.*) The Board of Trade may refuse to issue an extension license if they are of opinion that an application under this section is not made *bonâ fide* for the purpose above in this section mentioned, or if repeated applications for an extension license are made in respect of the same boiler.

Registration of boilers and appointment and duties of registrar.

6.—(1.) The Board of Trade shall cause a register to be kept of all boilers licensed under this Act, and for the purpose of keeping the register and of issuing licenses and performing the duties of the Board under this Act and otherwise enforcing the execution of this Act, the Board shall appoint an officer (in this Act referred to as the registrar), and make such arrangements as are necessary to enable him to discharge the duties of his office.

(2.) The registrar shall perform the following duties:—

(*a.*) He shall issue licenses for boilers in accordance with the provisions of this Act, after satisfying himself in all cases before the issue of the licenses that the certificates, applications, and declarations required by this Act are in due form, and if in any case the certificate, application, or declaration is not in due form he shall refuse to issue a license for the boiler, and shall forthwith serve on the owner of the boiler notice of his refusal, with the reasons for it;

(*b.*) He shall keep in the prescribed form a register of all boilers licensed under this Act, and shall record therein the entire examinations and steam examinations made, the certificates given, and the licenses issued, so as to show whether every boiler to which the Act applies is duly examined, certificated,

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and licensed according to the provisions of this Act, and shall include any other particulars within his knowledge respecting the working of this Act which are required for the purpose of the annual report herein-after mentioned, or are prescribed as being of general interest to the public;

(*c.*) He shall in either of the following cases—

(i.) where he has reason to believe that a boiler to which this Act applies is being worked without a license, or

(ii.) where the period for which a boiler was licensed has expired without the proper application having been made for a new license (unless he has reason to believe that the boiler is no longer worked),

serve notice on the owner of the boiler warning him that he is guilty of an offence under this Act if he allows the boiler to be worked without having a license for it;

(*d.*) He shall enforce generally the execution of this Act, and for that purpose take proceedings against owners of boilers, inspectors, and other persons acting in contravention of any of the provisions thereof;

(*e.*) He shall prepare an annual report stating in a convenient tabular form, as far as the information at his disposal enables him to do so, the particulars mentioned in the Second Schedule to this Act.

(3.) The Board of Trade shall cause the annual report by the Registrar to be completed, printed, and published with as little delay as possible after the completion of the year to which it refers, and shall present copies thereof to both houses of Parliament, and also to such free libraries and public institutions as they think fit, and shall cause copies to be offered for sale to the public at a reasonable price.

(4.) The Registrar shall in the performance of his duties under this Act comply with any directions of the Board of Trade.

Boilers to have index numbers attached.

7. Every boiler to which this Act applies shall have an index number permanently and conspicuously marked thereon near to the firing end thereof, or in such other position as may be convenient for the notice of the inspector, and an inspector shall not give a certificate for any boiler which appears to him not to be marked as aforesaid.

Punishment of offences.

8.—(1.) If at any time a boiler to which this Act applies is worked without being at the same time licensed and numbered in accordance with the provisions of this Act, the owner of the boiler

shall be liable on summary conviction to a fine not exceeding *one pound* for every day during which it is so worked, and if any such boiler not being licensed is worked after notice has been served by the registrar on the owner warning him that he is guilty of an offence under this Act if he allows the boiler to be worked without having a license for it, the owner shall be liable on summary conviction to a fine not exceeding *five pounds* for every day during which it is so worked after service of the notice.

(2.) If any owner of a boiler, inspector, or other person—

(*a*) knowingly gives a false certificate, or makes a false declaration or application, or forges or falsifies a certificate, declaration, application or license for the purposes of this Act; or

(*b*) for the purpose of obtaining or assisting any other person to obtain a certificate or license under this Act, or of affecting any of the conditions of such certificate or license, wilfully makes any false statement, or does any fraudulent act or thing; or

(*c*.) falsifies or fraudulently alters the number marked on a boiler as required by this Act;

such owner, inspector, or person shall be guilty of a misdemeanour, and shall on conviction on indictment be liable to imprisonment, with or without hard labour, for a term not exceeding *twelve months*, or to a fine, or to both fine and imprisonment, and on summary conviction be liable to a fine not exceeding *twenty pounds*.

(3.) If any inspector gives a certificate under this Act for a boiler which has not an index number marked thereon as required by this Act, he shall for each offence be liable on summary conviction to a fine not exceeding *one pound*.

(4.) If any inspector gives a certificate under this Act for a boiler except after the examinations and in accordance with the conditions required by this Act, he shall for each offence be liable on summary conviction to a fine not exceeding *twenty pounds*.

(5.) A prosecution for an offence under this Act shall not be instituted except by or with the consent in writing of the Board of Trade or the registrar.

Punishment of person committing offence for which owner of boiler is liable.

9.—(1.) Where an offence for which the owner of a boiler is liable under this Act to a fine has in fact been committed by some servant, workman, or other person, such servant, workman, or other person shall be liable to the same fine as if he were the owner.

(2.) Where any such owner is charged with an offence under this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and

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if, after the commission of the offence has been proved, such owner proves to the satisfaction of the court that he had used due diligence to enforce the execution of this Act, and that the said other person committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and such owner shall be exempt from any fine or punishment under this Act.

Notice to Board of Trade of boilers worked without license.

10. It shall be the duty of any inspecting association, boiler insurance company, or person having cause to believe that any boiler to which this Act applies is being worked in contravention of this Act, or that the provisions of this Act are being evaded in any way, to give notice of the fact to the registrar.

Power to owner to act by agent.

11. Any act or thing required by this Act to be done by the owner of a boiler may be done on his behalf by his agent or servant authorised by him for that purpose, but this section shall not relieve the owner from any liability in respect of anything done or omitted to be done in contravention of this Act.

Application of fees for licenses. 45 & 46 Vict. c. 22.; 53 & 54 Vict. c. 35.

12. All fees received by the Board of Trade under this Act may be applied in payment of expenses incurred by the Board in the execution of this Act, or of the Boiler Explosions Acts, 1882 and 1890.

Service of notices.

13. For the purpose of this Act notices may be served on any person by being either delivered to him personally or by being sent addressed to him at his place of business or his usual or last known place of abode by post or otherwise.

Forms and instructions in schedules may be modified.

14.—(1.) The forms contained in the First Schedule to this Act shall be used in the cases to which they respectively apply; provided that the Board of Trade may by order alter the said forms in such manner consistent with the provisions of this Act as the Board think expedient, and any such forms for the time being prescribed by the Board shall have effect as if they were contained in the said schedule.

(2.) Any order made under this section shall be laid before both Houses of Parliament within three weeks after the making thereof, if Parliament is then sitting, and if Parliament is not then sitting within three weeks after the beginning of the then next session of Parliament.

Printing and sale of forms.

15. The Board of Trade may make such arrangements as they may deem fit for having the forms in use for the purposes of this Act suitably printed and rendered accessible to the public for

purchase at a reasonable price, and any person may print and sell those forms, and any inspector may print his own name, trade mark, or device thereon, subject to the approval of the Board of Trade. A.D. 1891.

Application of Act.

16. This Act shall apply to every boiler used in the United Kingdom or on board any British ship within the territorial waters of the United Kingdom with the exception of—

(*a.*) boilers belonging to or used exclusively in the service of Her Majesty; and

(*b.*) boilers used on board steamships certificated by the Board of Trade; and

(*c.*) boilers used by railway companies as locomotives; and

(*d.*) boilers used exclusively for domestic purposes.

Provided that the Board of Trade may at any time by order declare that any boiler or boilers, or class or classes of boilers which may appear to be of an exceptional character shall, and the same shall accordingly, be exempt from all or any of the provisions of this Act, and that either absolutely or subject to such conditions as may be imposed by the order.

Definitions.

17. For the purposes of this Act, unless inconsistent with the context, the following expressions shall have the meanings hereby assigned to them respectively; that is to say:—

"Boiler" means any closed vessel used for generating steam, or for heating water, or for heating other liquids, and includes the fittings as well as the setting and general equipment of the boiler;

"Owner" includes any person who, under any contract or otherwise, has the possession of a boiler;

"Inspector" means any inspecting association or boiler insurance company, by whose agency, or any person by whom the examination of a boiler is made and a certificate given for the purposes of this Act;

"Prescribed" means prescribed by order of the Board of Trade;

"Summary conviction" means conviction by a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

Commencement of Act.

18. On and after the *first day of January one thousand eight hundred and ninety-two* the registrar shall be prepared to receive certificates of safety and to grant licenses, and on the *first day of July one thousand eight hundred and ninety-two* this Act shall come into full operation.

Short title.

19. This Act may be cited as the Boiler Inspection and Registration Act, 1891.

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SCHEDULES.

FIRST SCHEDULE.

FORM I.

CERTIFICATE of SAFETY.—ORDINARY. (*See* Section 4.)

Given by

[*Fill in here name and address of Inspecting Association or Boiler Insurance Company giving certificate.*]

Term of Certificate, *twelve* months: from *October* 1*st*, 1891, to *September* 30*th*, 1892. Pressure at which Safety Valves blow, *one hundred pounds* (100 *lbs.*).

This is to certify—

That on *Tuesday, September* 1*st*, 1891, an inspector appointed by and acting under the instructions of the above-named [*Association or Company, as the case may be*] made a steam examination of the boiler, particulars of which are given below.

That on *Thursday, October* 1*st*, 1891, an inspector appointed by and acting under the instructions of the above-named [*Association or Company, as the case may be*] made an entire examination of the aforesaid boiler, when the manhole cover was removed and other covers were removed as far as necessary for the purposes of the examination.

That the aforesaid examinations were faithfully made and in accordance with the provisions of the Boiler Inspection and Registration Act, 1891, and that such examinations of the boiler were made as were necessary to ascertain the actual condition of the boiler, and that the above-named [*Association or Company, as the case may be*] has satisfied itself that the condition, construction, and fittings, as well as the setting, general equipment, and surroundings of the boiler admit of its being safely worked at the pressure of steam per square inch and for the length of term named above.

Signature of representative of the above-named [*Association or Company, as the case may be*] _____

Date of signature _____

NOTE 1.—The words in italics to be modified as required in each case.

NOTE 2.—If any examinations are made, in addition to those named above, for the purpose of giving this certificate, full particulars of such examinations to be filled in on this form.

A.D. 1891.

PARTICULARS of BOILER referred to in this CERTIFICATE.

Name and address of works at which the above boiler is situated _____

Name and postal address of boiler owner _____

_____

Number of boilers on works _____

Index number of boiler _____

Whether index number is prominently displayed near to the firing end of the boiler in accordance with section 7 _____

General description of boiler _____

Length or height and diameter of boiler _____

Pressure at which safety valves blow _____

Approximate amount of coal consumed by the boiler per annum :—

(*a.*) If information supplied by owner _____

(*b.*) If estimated by inspector _____

Special remarks _____

_____

_____

_____

FORM II.

CERTIFICATE of SAFETY.—ORDINARY. (*See* Section 4.)

Given by

[*Fill in here name and address of individual inspector* giving certificate.*]

Term of Certificate, *twelve* months; from *October* 1*st*, 1891, to *September* 30*th*, 1892. Pressure at which Safety Valves blow, *One hundred pounds* (100 *lbs.*).

This is to certify—

That on *Tuesday, September* 1*st*, 1891, I made a steam examination of the boiler, particulars of which are given below.

That on *Thursday, October* 1*st*, 1891, I made an entire examination of the aforesaid boiler, when the manhole cover was removed and other covers were removed as far as necessary for the purposes of the examination.

NOTE 1.—The words in italics to be modified as required in each case.

NOTE 2.—If any examinations are made, in addition to those named above, for the purpose of giving this certificate, full particulars of such examinations to be filled in on this form.

* The expression "individual inspector" means any person who, in addition to making examinations of a boiler, gives a certificate with regard thereto, as distinguished from a person who makes examinations under the instructions of an Inspecting Association or Boiler Insurance Company, but does not give the certificate.

A.D. 1891.

That the aforesaid examinations were faithfully made and in accordance with the provisions of the Boiler Inspection and Registration Act, 1891, and that such examinations of the boiler were made as were necessary to ascertain the actual condition of the boiler, and that I have satisfied myself that the condition, construction, and fittings, as well as the setting, general equipment, and surroundings of the boiler admit of its being safely worked at the pressure of steam per square inch and for the length of term named above.

Signature of above-named individual inspector _____

Date of signature _____

Ordinary occupation of individual inspector _____

PARTICULARS of BOILER referred to in this CERTIFICATE.

Name and address of works at which the above boiler is situated _____

Name and postal address of boiler owner _____

_____

Number of boilers on works _____

Index number of boiler _____

Whether index number is prominently displayed near to the firing end of the boiler in accordance with section 7 _____

General description of boiler _____

Length or height and diameter of boiler _____

Pressure at which safety valves blow _____

Approximate amount of coal consumed by the boiler per annum :—

(*a.*) If information supplied by owner _____

(*b.*) If estimated by inspector _____

Special remarks _____

_____

_____

FORM III.

CERTIFICATE of SAFETY.—EXTENSION. (*See* Section 5.) A.D. 1891.

Given by

[*Fill in here name and address of Inspecting Association or Boiler Insurance Company giving certificate.*]

Term of certificate, *three* months: from *September* 30*th*, 1892, to *December* 31*st*, 1892. Pressure at which Safety Valves blow, *one hundred pounds* (100 *lbs.*)

This is to certify—

That in addition to the steam examination, made on *Tuesday, September* 1*st*, 1891, and the entire examination made on *Thursday, October* 1*st*, 1891, of the boiler, particulars of which are given below, both examinations being made by an inspector appointed by and acting under the instructions of the above-named [*Association or Company, as the case may be*] a further steam examination of the aforesaid boiler was made on *Wednesday, September* 14*th*, 1892, by an inspector appointed by and acting under the instructions of the above-named [*Association or Company, as the case may be*] in accordance with the provisions of the Boiler Inspection and Registration Act, 1891, and that the above-named [*Association or Company, as the case may be*] has satisfied itself that the condition, construction, and fittings, as well as the setting, general equipment, and surroundings of the boiler admit of its being safely continued in work at the pressure of steam per square inch and for the length of term named above.

Signature of representative of the above-named [*Association or Company, as the case may be*] _____

Date of signature _____

PARTICULARS of BOILER referred to in this CERTIFICATE.

Name and address of works at which the above boiler is situated _____

Name and postal address of boiler owner _____

Number of boilers on works _____

Index number of boiler _____

Whether index number is prominently displayed near to the firing end of the boiler in accordance with section 7 _____

General description of boiler _____

Pressure at which safety valves blow _____

Length or height and diameter of boiler _____

Special remarks _____

NOTE 1.—The words in italics to be modified as required in each case.

A.D. 1891.

FORM IV.

CERTIFICATE of SAFETY.—EXTENSION. (*See* Section 5.)

Given by

[*Fill in here name and address of individual inspector* giving certificate.*]

Term of certificate, *three* months: from *September* 30*th*, 1892, to *December* 31*st*, 1892. Pressure at which Safety Valves blow, *one hundred pounds* (100 *lbs.*).

This is to certify—

That in addition to the steam examination, made on *Tuesday, September* 1*st*, 1891, and the entire examination made on *Thursday, October* 1*st*, 1891, of the boiler, particulars of which are given below, both examinations being made by me, a further steam examination of the aforesaid boiler was made on *Wednesday, September* 14*th*, 1892, by me, in accordance with the provisions of the Boiler Inspection and Registration Act, 1891, and that I have satisfied myself that the condition, construction, and fittings, as well as the setting, general equipment, and surroundings of the boiler admit of its being safely continued in work at the pressure of steam per square inch and for the length of term named above.

Signature of above-named individual inspector _____

Date of signature _____

Ordinary occupation of individual inspector _____

PARTICULARS of BOILER referred to in this CERTIFICATE.

Name and address of works at which the above boiler is situated _____

Name and postal address of boiler owner _____

Number of boilers on works _____

Index number of boiler _____

Whether index number is prominently displayed near to the firing end of the boiler in accordance with section 7 _____

General description of boiler _____

Pressure at which safety valves blow _____

Length or height and diameter of boiler _____

Special remarks _____

NOTE 1.—The words in italics to be modified as required in each case.

* The expression "individual inspector" means any person who, in addition to making examinations of a boiler, gives a certificate with regard thereto, as distinguished from a person who makes examinations under the instructions of an inspecting association or boiler insurance company, but does not give the certificate.

A.D. 1891.

FORM V.

APPLICATION.

TO BOARD OF TRADE for LICENSE, ORDINARY or EXTENSION (*as the case may be*).

(*See* Sections 4 and 5).

From Boiler Owner.

To the Registrar of Boilers,
Board of Trade.

SIR,

HEREWITH I beg to forward a certificate of safety for my boiler, and also a fee of one shilling. The certificate is dated *October 8th*, 1891, and the name and address of the [*Association, Company, or individual inspector, as the case may be*] who gave the certificate is given below, as well as the particulars of the boiler referred to therein. Having done this, I request that you will favour me with a license to work the said boiler at the pressure and for the term named in the certificate.

And I hereby declare that before selecting the [*Association, Company, or individual inspector, as the case may be*] named below I satisfied myself as to *its/his* competency, and believe *it/him* to have a thorough knowledge of boilers and of their working, and to be perfectly fit and competent in every respect to make the examinations and to give the certificates required by the Boiler Inspection and Registration Act, 1891. I accept *it/him* as my agent as regards the examination of my boiler.

Signature of boiler owner or person authorised to sign on his behalf _____

Postal address _____

Date _____

Name of inspecting association, boiler insurance company, or individual inspector who examined the boiler _____

Address of do. do. _____

PARTICULARS of BOILER referred to in this APPLICATION.

Name and address of works at which the above boiler is situated _____

Index number of boiler _____

General description of boiler _____

Length or height and diameter of boiler _____

Pressure at which safety valves blow _____

NOTE.—The words in italics to be modified as required in each case.

A.D. 1891.

Form VI.

Authorisation.

Letter from Boiler Owner to Board of Trade authorising [*fill in here name and address of Inspecting Association, Boiler Insurance Company, or individual inspector* (*as the case may be*)] to make application to the Board of Trade for the license and to receive the same. (*See* Section 4.)

I hereby authorise the [*Association, Company, or individual inspector, as the case may be*] named above to make application to the Board of Trade, on my behalf, for licenses for my boilers and to receive the same. This authorisation to remain in force until withdrawn. Before selecting the [*Association, Company, or individual inspector, as the case may be*] named above I satisfied myself as to *its/his* competency, and believe *it/him* to have a thorough knowledge of boilers and of their working, and to be perfectly fit and competent in every respect to make the examinations and to give the certificates required by the Boiler Inspection and Registration Act, 1891. I accept *it/him* as my agent as regards the examination of my boilers.

Signature of boiler owner or person authorised to sign on his behalf } _____ _____

Postal address _____

Date _____

Note.—The words in italics to be modified as required in each case.

A.D. 1891.

Form VII.

Application

To Board of Trade for License, Ordinary or Extension (*as the case may be*). (*See* Sections 4 and 5.)

From [*fill in here name and address of Inspecting Association or Boiler Insurance Company, as the case may be*].

To the Registrar of Boilers,
Board of Trade.

Sir,

Allow me, on behalf of the [*Association or Company, as the case may be*] above named, to inform you that an inspector appointed by and acting under its instructions has examined, in accordance with the provisions of the Boiler Inspection and Registration Act, 1891, the boiler, particulars of which are given below; and the [*Association or Company, as the case may be*] aforesaid being authorised by the owner, whose name and address are given below, to make application to you on his behalf for the license for the boiler aforesaid, I now beg to do so, while at the same time I forward the certificate accompanied with the application fee of one shilling. Having done this, I request that you will grant a license to the owner to work the boiler aforesaid at the pressure and for the term named in the certificate; and further, being authorised by the owner to receive the license for the boiler on his behalf, I request that you will forward it to me at the address given above.

Signature of representative of the above-named [*Association or Company, as the case may be*] _____

Date of signature _____

_____

Particulars of Boiler referred to in this Application.

Name and address of works at which the above boiler is situated _____

_____

Name and postal address of boiler owner _____

_____

Index number of boiler _____

General description of boiler _____

Length or height and diameter of boiler _____

_____

Note.—The words in italics to be modified as required in each case.

A.D. 1891.

FORM VIII.

APPLICATION

TO BOARD of TRADE for LICENSE—ORDINARY or EXTENSION (*as the case may be*). (*See* Sections 4 and 5).

From [*fill in here name and address of individual inspector*].

To the Registrar of Boilers,
Board of Trade.

SIR,

Allow me to inform you that I have examined, in accordance with the provisions of the Boiler Inspection and Registration Act, 1891, the boiler particulars of which are given below; and being authorised by the owner, whose name and address are given below, to forward to you on his behalf the certificate in respect of the aforesaid boiler, I now beg to do so, while at the same time I forward the application fee of one shilling. Having done this, I request that you will grant a license to the owner to work the boiler aforesaid at the pressure and for the term named in the certificate; and further, being authorised by the owner to receive the license for the boiler on his behalf, I request that you will forward it to me at the address given above.

Signature of individual inspector _____

Date of signature _____

Ordinary occupation of individual inspector _____

PARTICULARS of BOILER referred to in this APPLICATION.

Name and address of works at which the above boiler is situated } _____

Name and postal address of boiler owner _____

Index number of boiler _____

General description of boiler _____

Length or height and diameter of boiler _____

NOTE.—The words in italics to be modified as required in each case.

A.D. 1891.

Form IX.

License. (*See* Sections 4 and 5.)

Term of license, *twelve* months: from *October* 1*st*, 1891, to *September* 30*th*, 1892. Pressure at which Safety Valves blow, *one hundred pounds* (100 *lbs.*).

The Board of Trade having received an *Ordinary or Extension* (*as the case may be*) certificate of safety for the boiler, particulars of which are given below, hereby grant a license to the owner of the boiler referred to in that certificate to work the said boiler for the term and at the pressure named above.

The Board of Trade would impress on the boiler owner that by granting this license they do not pass any opinion or take any responsibility with regard to the safety of the boiler, but that such responsibility rests entirely on the boiler owner; and the Board of Trade would remind the boiler owner that section 2 of the Boiler Inspection and Registration Act, 1891, provides that "the owner of a boiler shall be responsible for selecting a competent inspector, "and the inspector shall be deemed to be the agent of the owner for the "purpose of the examinations and the giving of certificates under this Act; "and nothing in this Act shall diminish the responsibility of the owner for the "fitness in every respect of his boiler, or for the pressure at which it is worked, "or for its general keeping, treatment, and management."

Dated at Whitehall Gardens, London, S.W., this 1*st* day of *January*, 1892.

By order of the Board of Trade.

Signature _____

Particulars of Boiler referred to in the above License.

Name and address of works at which the above boiler is situated _____

Name and postal address of boiler owner to whom the license is granted _____

Index number of boiler _____

General description of boiler _____

Length or height and diameter of boiler _____

Name of Inspecting Association, Boiler Insurance Company, or individual inspector who examined the boiler and gave the certificate _____

Postal address of do. do. _____

Note.—The words in italics to be modified as required in each case.

A.D. 1891.

SECOND SCHEDULE.

FORM I.

LIST of PARTICULARS to be furnished in the REGISTRAR'S ANNUAL REPORT on the working of the BOILER INSPECTION AND REGISTRATION ACT, 1891. (*See* Section 6.)

1. Number under this Act of—
   (*a.*) Owners having their boilers inspected.
   (*b.*) Works at which the boilers are inspected.
   (*c.*) Boilers inspected.

2. Number of boilers inspected under this Act by—
   (*a.*) Inspecting Associations and Boiler Insurance Companies.
   (*b.*) Individual inspectors other than those in the employ of the boiler owner.
   (*c.*) Individual inspectors in the employ of the boiler owner.
   (*d.*) Boiler owner himself.

3. Number of licenses—
   (*a.*) Granted on ordinary certificates.
   (*b.*) Refused on ordinary certificates.
   (*c.*) Granted on extension certificates.
   (*d.*) Refused on extension certificates.

4. The number of examinations—
   (*a.*) Steam - - - -
   (*b.*) Entire - - - -
   Total - - -

5. Services in which the boilers under inspection are employed, whether at cotton mills, corn mills, breweries, farms, collieries, ironworks, or for driving traction engines, &c., &c., and the number of boilers employed in each service.

6. Descriptions or types of boilers under inspection, and the number of boilers of each description or type.

7. Number of boilers under inspection, worked at a pressure of 10 lb. on the inch, the number worked at 20 lb. on the inch, the number at 30 lb., and so on upwards.

8. Gross amount of coal returned by the inspectors as consumed by all the boilers under inspection.

Boilers Registration.

A

B I L L

For the Registration and Inspection of Boilers.

(Prepared and brought in by Sir W. H. Houldsworth, Mr. Maclean, Mr. Wm. Mather, and Mr. Burt.)

Ordered, by The House of Commons, *to be Printed,* 26 *November* 1890.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE and SPOTTISWOODE, East Harding Street, Fleet Street, E.C., and 32, Abingdon Street, Westminster, S.W.; or
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[*Price* 3*d.*]

[Bill 28.]

Brine Pumping (Compensation for Subsidence) Bill.

ARRANGEMENT OF CLAUSES.

(i.) *Preliminary.*

Clause.

1. Short title.
2. Extent of Act.

(ii.) *Formation of Compensation District.*

3. Application for order for formation of district.
4. Inquiry on receipt of memorial.
5. Procedure on inquiry.
6. Formation of district.
7. Alteration of boundaries of district.

(iii.) *Compensation Boards.*

8. Compensation board for each district.
9. Incorporation of board.
10. Election of members and incidental matters.
11. Chairman of board.
12. Resignation of members.
13. Casual vacancies.
14. Meetings and proceedings of boards.
15. Minutes of proceedings, &c.
16. Committees of boards.
17. Power to appoint officers.
18. Regulations by boards.
19. Power to invest moneys.

(iv.) *Compensation Fund and Claims thereon.*

20. District compensation funds.
21. Damage for which compensation may be made.
22. Claims for compensation.
23. Mode of dealing with claims.
24. Power to board to commute claims.

Clause.

25. Recovery of sums awarded.
26. Appeal on questions of law.
27. Board may require compensation to be expended in repairs, &c.

(v.) *Rates.*

28. Estimates and rates.
29. Persons liable to rates.
30. Limit of rate.
31. Mode of assessing rates.
32. Computation of quantity of brine.
33. Returns to be made to board.
34. Abatement of claims, postponement of payments, &c.

(vi.) *Reserve Fund.*

35. Reserve fund.

(vii.) *Miscellaneous.*

36. Powers of Local Government Board inspectors.
37. Audit of accounts of board.
38. Power of entry.
39. Allowance of byelaws.
40. No action or certiorari.
41. Power to dissolve compensation board.
42. Act not to apply to railways, canals, &c.
43. Interpretation.

SCHEDULE.

A

B I L L

TO

Provide compensation for owners of property suffering through the subsidence of the ground caused by the pumping of Brine. A.D. 1890.

WHEREAS in certain parts of England brine pumping operations are extensively carried on for the purposes of salt and alkali manufacture, and the effect of those operations is in many cases to cause subsidence of land and damage to dwelling-houses, buildings, bridges, and other private and public property, even at considerable distances from the site of the pumping shafts or stations:

And whereas no effectual remedy by action or otherwise exists for the damage and loss thus caused, and it is just and expedient that such provisions as this Act contains should be made for the purpose of affording such a remedy:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

(i.) *Preliminary.*

1. This Act may be cited as the Brine Pumping (Compensation for Subsidence) Act, 1891. Short title.

2. This Act shall not extend to Scotland or Ireland. Extent of Act.

(ii.) *Formation of Compensation District.*

3. Any owner or owners of land in any county of a rateable value in the aggregate of not less than two thousand pounds, and any sanitary authority in any county, may apply to the Local Government Board by memorial, alleging that subsidence of land Application for order for formation of district.

A.D. 1890.

belonging to such owner or owners, or situate within the district of such authority, is caused by brine pumping operations, whereby loss or damage is occasioned, and praying that a compensation district may be formed under this Act, with such boundaries as shall be described in the memorial, or such other boundaries as the Local Government Board shall fix.

Inquiry on receipt of memorial.

4. On the receipt of the memorial, the Local Government Board may, if they think a sufficient primâ facie case has been made out, and after requiring (if they think fit) security to be given for any costs which may be incurred by the Board in relation to any local inquiry under this section, direct a local inquiry to be held by an inspector as to the expediency of forming the proposed district and as to the boundaries to be assigned to such district, and as to any further incidental matters in relation thereto as the Board may think fit.

Procedure on inquiry.

5. Before a local inquiry under this Act is held, the Local Government Board shall give public notice by advertisement in local newspapers, or otherwise, in such manner as they think fit, of the time and place at which the inquiry will be held, and the inspector shall hear all persons locally interested appearing before him and desirous of being heard in relation to the formation of the district, and the establishment of a compensation board under this Act.

Formation of district.

6.—(1.) If the Local Government Board, after receiving the report of their inspector, determines to form a compensation district as prayed by the memorial, with or without addition of any lands to, or exclusive of any lands from those proposed to be included in the district, they shall frame a draft order forming a compensation district and establishing a compensation board under this Act, in such manner as they think expedient, having regard to all the circumstances of the case.

(2.) The Local Government Board shall cause printed copies of the draft order to be deposited with the clerk of the county council of the county or counties in which the district or any part of the district formed by the draft order is situate, and with the sanitary authority or authorities exercising jurisdiction in such district or any part thereof. The copies so deposited shall be open to inspection, without fee, by all owners and occupiers of land, and by all brine pumpers within such district.

(3.) The Local Government Board shall cause notice to be published of the deposit of copies made in pursuance of this section,

and of the time and place or times and places at which an inspector will attend to hear any objections to the draft order.

(4.) After receiving the report of their inspector with respect to the draft order the Local Government Board may either decline to proceed further in the matter, or may confirm the draft order, with any additions, alterations, or modifications that may seem to them expedient.

(5.) On publication in the "London Gazette" of notice of the confirmation of an order under this Act the district shall be deemed to be formed in accordance with the provisions of the order.

Alteration of boundaries of district.

7.—(1.) Any person or body of persons authorised to apply under this Act to the Local Government Board for the formation of a compensation district may apply by memorial to the Board for alteration of the boundaries of a district so formed, except that in the case of an application by an owner or owners of property the aggregate rateable value of the property of such owner or owners for the purposes of this section shall be not less than *five hundred* pounds.

(2.) On any such application the Local Government Board shall proceed in like manner as nearly as may be as in the case of a petition for the formation of a district, and may, if they see fit, make and confirm a draft order for the alteration of the boundaries of the district accordingly, and on publication in the "London Gazette" of notice of the confirmation of such draft order the said boundaries shall be deemed to be altered in accordance with the provisions of the order.

(iii.) *Compensation Boards.*

Compensation board for each district.

8. For every district formed under this Act there shall be a compensation board constituted of such number of members (being a multiple of three) as shall be named in the order forming the district.

Incorporation of board.

9.—(1.) Every compensation board shall be a body corporate by the name specified in the order establishing such board with perpetual succession and a common seal, and with power to acquire and hold lands for the purposes of their constitution without any license in mortmain.

(2.) No act or proceeding of a board, or of any committee appointed by the board, shall be questioned on account of any vacancy in their body.

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Election of members and incidental matters.

10.—(1.) Of the members of every compensation board—

One third shall be elected by the brine pumpers within the district;

One third shall be elected by owners of land within the district;

One third shall be elected by the sanitary authority or authorities having jurisdiction within the district.

(2.) An order of the Local Government Board under this Act shall contain all such provisions, subject to the provisions of this Act, for the number of members of the compensation board to be established for the district, and for their election and retirement, and for the formation and revision of a register of persons entitled to vote at elections, and for any other matters, as may seem to the Local Government Board expedient.

Chairman of board.

11.—(1.) A board shall at their first meeting after their constitution, and at their first meeting in each subsequent year, choose one of their members to be chairman and one other of their members to be vice-chairman, and the members so chosen shall continue in office until the next meeting at which a chairman and vice-chairman are to be chosen pursuant to the above provision.

(2.) If any casual vacancy occur in the office of chairman or vice-chairman, the board shall as soon as conveniently may be after the occurrence of such vacancy choose one of their members to fill such vacancy; and every chairman or vice-chairman so chosen as last aforesaid shall continue in office so long only as the person in whose place he is chosen would have been entitled to continue in office.

Resignation of members.

12. A member of a compensation board may resign his office by notifying in writing his intention so to do to the chairman or clerk of the board for the time being.

Casual vacancies.

13. Any casual vacancy in a compensation board occurring by death, resignation, or otherwise shall be filled up in manner to be decided by the regulations of the Local Government Board by the body of persons by whom the vacating member was originally chosen, as soon as reasonably practicable after the occurrence of the vacancy; but a member so chosen shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred.

Meetings and proceed-

14. Meetings of compensation boards shall be held and the proceedings thereat shall be conducted in accordance with the rules

as to meetings and proceedings contained in the schedule to this Act.

ings of boards.

Minutes of proceedings, &c.

15.—(1.) A minute of proceedings at a meeting of a compensation board or of a committee, signed at the same or at the next ensuing meeting by any person describing himself as, or appearing to be, chairman of the meeting or committee at which the minute is signed shall be received in evidence without further proof.

(2.) Until the contrary is proved, every meeting of a compensation board or committee whereof a minute has been so made, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified.

Committees of boards.

16. A board may from time to time appoint one or more committee or committees for any of the purposes of this Act, and may fix the quorum of any committee, and prescribe the manner in which the business of a committee shall be conducted: Provided that no rate shall be made or declared, nor any award of compensation made or allowed or disallowed, except at a general meeting of the board.

Power to appoint officers.

17. A board may appoint and pay such surveyors and other officers as they think necessary, and they may make all such surveys as they think necessary.

Regulations by boards.

18. A board may from time to time make regulations for defining the duties of any officers or servants of the board.

Power to invest moneys.

19. A board may invest any moneys for the time being in their hands, and not immediately required for the purposes of this Act, in any securities in which trustees are for the time being empowered by law to invest trust moneys, or may place such moneys on deposit in any bank approved for the purpose by the Local Government Board.

(iv.) *Compensation Fund and Claims thereon.*

District compensation funds.

20.—(1.) Every board shall form and maintain a compensation fund for their district.

(2.) The compensation fund for the district shall be formed and maintained by the assessment and levy as in this Act provided of such rate (not exceeding the limit or rate herein-after mentioned) for every one thousand gallons of brine raised or obtained within the district as the board from time to time think necessary and order to be levied.

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(3.) The compensation fund for a district shall be solely applicable to compensation for damage happening within that district.

Damage for which compensation may be made.

21. The damage for which compensation may be made under this Act shall be damage of any of the following kinds (and no other) caused after the passing of this Act; that is to say,

(i.) Depreciation of land by reason of subsidence or permanent submersion, including any necessary expense of fencing in the same, but not including (except as herein-after in this section provided) the value of or damage to any buildings, walls, structures, or works of any description on, in, or under such lands:

(ii.) With respect to buildings and walls of all kinds, destruction, or structural damage only, but not including damage to fixtures (whether removable or not), and including any proper or necessary expense of altering approaches or levels, or of building retaining walls, or bolting together, underpinning, or otherwise supporting, raising, or repairing buildings and walls:

(iii.) With respect to private roads, bridges, sewers, drains, and fences, the expense of raising, lowering, diverting, or making good the same:

(iv.) With respect to public highways, bridges, sewers, and drains, the expense of raising, lowering, diverting, or making good the same, and the amount of compensation (if any) payable by any local authority for damage done in or consequent on the execution of any such works, and also the compensation for any damage of any of the kinds mentioned in this section which may be sustained by any person by reason of the execution of such work and which the local authority may not be liable to pay:

(v.) With respect to gas and water mains or pipes, the expense of raising, lowering, diverting, or making good the same:

(vi.) With respect to all other works not excepted from this Act (including the gasometers, retorts, and buildings of gasworks, and any pumping station, reservoir, or building belonging to any waterworks), an amount not exceeding the actual damage, nor exceeding the amount of the expense necessary to restore the same to working order:

Provided as regards every case or matter in respect of which compensation can be claimed or made under this section or under any other provisions of this Act, the compensation shall not in any case whatsoever exceed the amount of the actual loss which, in the

opinion of the board, has been sustained by the claimant, all circumstances which the board think material being taken into consideration.

Claims for compensation.

22.—(1.) Any person who alleges the following matters; that is to say,

(i.) That any damage as in this Act defined has after the passing of this Act been caused to any land by subsidence of the same or of any other land in consequence of pumping or raising of brine, and

(ii.) That he has such title to, or interest in, the land so damaged or some part thereof as would entitle him to recover in respect of such damage if the same had been caused by the wrongful excavation by any other person of the strata underlying or supporting such land,

may send in to the compensation board for the district within which the damage is alleged to have happened a claim for compensation for such damage to the extent of his title or interest.

(2.) It shall be lawful for a board from time to time by byelaws under this Act to prescribe the form of any such claim and the time within which and the manner in which any such claim shall be made, and the proofs by which the claim is to be accompanied, and no claim shall be allowed by the board with respect to which the provisions of such byelaws (unless dispensed with for cause to be stated in writing by the board) are not observed.

(3.) Every board shall on a day or days in each year to be from time to time fixed and advertised by them consider all claims which have been duly made, and in respect of which compensation has not been previously paid or provided for, and shall, so far as they think practicable and convenient, adjudicate thereon in such manner as they think fit, and allow or disallow all such claims or such items thereof as have not previously been adjudicated on by them.

Mode of dealing with claims.

23. A board shall disallow any claim for damage which in their opinion was not caused by subsidence of any land or in respect of which in their opinion (subject to appeal as in this Act mentioned) the claimant has not such title or interest as would entitle him to recover under this Act; and shall disallow any claim to the extent to which in their opinion the damage in respect of which the claim was made has been occasioned or increased by any neglect or default of the claimant or of any person by whose acts he is affected or bound, or by the buildings or other matters in respect of which the claim was made, having been of an unnecessarily expensive kind, or improperly constructed, having regard to the liability of the district or any part thereof to subsidence.

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Power to board to commute claims.

24. A board may, by resolution passed at a meeting whereof not less than twenty-one days notice specifying the objects of the meeting has been served on the members of the board, provide that the damage in any particular case, if in their opinion likely to be permanent or to continue for a number of years, shall be ascertained, settled, and paid for either once for all, or for such number of years as they think just, instead of being claimed from time to time.

Recovery of sums awarded.

25. Any sum awarded to be paid under any of the provisions of this Act shall be certified by the clerk of the board under his hand, and may be recovered as a debt at the expiration of three months from the date of such certificate in the county court within whose jurisdiction the land to which the claim relates is situate.

Appeal on questions of law.

26.—(1.) If a board disallow a claim or any item thereof on the ground that the claimant had not, as respects such claim or item, such title or interest in the land damaged by subsidence as would entitle him to recover under this Act, the claimant may appeal in manner in this section mentioned on the ground that he had such title or interest.

(2.) If a board allow a claim or any item thereof, any person assessed to the last rate made under this Act in and for the district may appeal in manner in this section mentioned against such allowance on the ground that the board ought to have decided that the claimant had not (as respects such claim or item) such title or interest as herein-before mentioned.

(3.) Notice of appeal under this section must be given in writing to the board at the meeting at which the decision appealed against is given, or within three weeks afterwards.

(4.) The appeal shall be brought in the county court within whose jurisdiction the land is situate, in manner prescribed by rules made or to be made by the authority for the time being empowered to make rules for the procedure and practice of county courts.

(5.) The judgment of the county court shall be binding on all persons subject by special leave of the county court judge to an appeal to the Supreme Court according to the practice for the time being in use with respect to appeals from county courts.

(6.) The costs of any appeal under this section shall be in the direction of the court in which the same are incurred.

(7.) If as a consequence of any decision on appeal under this section any damage is to be assessed, increased, or reduced, the claim shall stand remitted to the board to be adjudicated, and allowed, altered, increased, or reduced as the case may require.

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Board may require compensation to be expended in repairs, &c.

27. A board may require any compensation in respect of lands, buildings, or works to be expended in the filling up of holes in such lands, or the restoration or repair of such buildings or works, and may refuse to pay such compensation except on their surveyor's certificate that the amount thereof has been properly expended in such filling up, restoration, or repair.

(v.) *Rates.*

Estimates and rates.

28.—(1.) Every board shall from time to time estimate the sums required to be levied in order to pay the compensations allowed by them, or for which claims are pending, and of the amount per one thousand gallons of brine, estimated to be raised or obtained in their district, which will suffice to provide for such compensations and claims, and for the expenses of the board, subject to the provisions of this Act, and shall make a rate accordingly within their district.

(2.) Every rate made by the board shall be payable on demand at the expiration of one month after such rate has been made, and the sum assessed on any person by any such rate may be recovered by the board either as a civil debt summarily, or in like manner as a poor rate is now recoverable, or by action in any court of competent jurisdiction.

(3.) Any rate or rate book purporting to be made by authority of the board, and to be sealed with their seal, or a certificate in writing purporting to be given under this Act, and to be sealed with the seal of the board, shall be evidence that the person named therein is liable for the sum mentioned therein, and of all matters necessary to entitle the board to recover such sum.

Persons liable to rates.

29. Every person who raises or obtains brine in any district shall be liable to be rated under this Act.

Limit of rate.

30. The rate or rates to be made by a board on the persons liable to be rated within their district under this Act shall not in the aggregate in any period of twelve months exceed the sum of *threepence* per one thousand gallons of brine raised or obtained in the district by each of such persons during such twelve months.

Mode of assessing rates.

31. In assessing a rate in any district the board shall proceed as follows:—

(i.) They shall ascertain and determine by means of the returns to be made under this Act, and by such other evidence (if any)

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as they think necessary or convenient, the total yield of brine in any year or other period in the district:

(ii.) They shall fix what rate per one thousand gallons of brine will produce the necessary sum:

(iii.) They shall assess every person liable to pay the rate according to the number of gallons returned by him, subject to revision by the board.

Computation of quantity of brine.

32. It shall be lawful for a board from time to time by byelaws under this Act to establish and adopt any system or systems of computation of the quantity of brine raised or obtained at any pumping station or other place where brine is raised or obtained, but such byelaws shall not be held to limit their right to be guided by other evidence.

Returns to be made to board.

33.—(1.) It shall be lawful for a board from time to time by byelaws under this Act to prescribe forms and contents of returns, and the times (not being oftener than once a month for each pumping station) and the manner of making returns by any person raising or obtaining brine in their district, or by any agent or servant of any such person, and to require such return to state (amongst other things) the quantities of brine raised or obtained at any pumping station.

(2.) Any person required by a board to make any return under this Act or such byelaws who fails to make such return, or wilfully or negligently makes a return untrue in any material respect, shall be liable on summary conviction to a penalty not exceeding *twenty pounds* for each offence.

(3.) A board may, by summons under their seal, require the attendance before them of any person liable to make any return under this Act, or who makes any claim under this Act, or of any agent or servant of any such person, and the production by him of any books or accounts, and may require a statutory declaration from any person so summoned touching any matter material to any question to be answered in any returns.

(4.) Any such person failing to attend, or to produce any such books or accounts, or to answer any questions put to him in pursuance of this section, shall be liable on summary conviction to a penalty not exceeding *ten pounds.*

Abatement of claims, postponement of payments, &c.

34.—(1.) If at any time it appears to a board that the funds applicable for compensation in any district are or will become insufficient to meet in full the claims made or to be made on such funds the board may so declare, and thereupon the board shall make

a pro ratâ abatement on the amounts which would otherwise be payable in respect of any claims to be made or allowed after such declaration.

(2.) Where it appears to a board that the compensation payable under this Act in any particular case is exceptional in character and amount, or that the immediate payment of the compensation in any particular case or cases will disable them from meeting the other claims on them, they may spread the payment of such compensation with or without interest over such number of years as they think just, having regard to all the circumstances of the case: Provided that it shall be lawful for the board, if and when they think fit, to make up in whole or in part the amount of any abatement made under this section out of any money which might otherwise have been carried to a reserve fund for such district.

(vi.) *Reserve Fund.*

Reserve fund.

35. It shall be lawful for a board if they think fit to form a reserve fund for the purpose of meeting any exceptional claims, or providing for deficiencies which may occur in any year or years, and for that purpose in any period of twelve months to levy a greater rate in such district than the rate required for the claims and expenses estimated to be payable in such period, and they may apply any moneys from time to time standing to the credit of such reserve fund to meet any such exceptional claim or such deficiencies: Provided that the rate shall not in any case exceed the limit of *threepence* per one thousand gallons of brine, and that, if and so long as the reserve fund exclusive of interest accrued exceeds in amount the aggregate sum of the maximum rates leviable under this Act in the last three years for the time being, no additional rate shall be levied under this section. The interest from time to time accruing on moneys standing to the credit of a reserve fund may, at the discretion of the board, be from time to time applied towards payment of compensations under this Act, or be accumulated as an addition to the reserve fund.

(vii.) *Miscellaneous.*

Powers of Local Government Board inspectors.

36. Inspectors of the Local Government Board shall for the purposes of any inquiry directed by the Board under this Act have in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which poor law inspectors have under the Acts relating to the relief of the poor

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for the purposes of those Acts, and the Board may make orders as to the cost of such inquiries and as to the parties by whom or the rates out of which such costs shall be borne; and every such order may be made a rule of the Supreme Court on the application of any person named therein.

Audit of accounts of board.

37. The accounts of the receipts and expenditure of every compensation board shall be audited by such auditor of accounts relating to the relief of the poor as the Local Government Board may from time to time appoint; and such auditor shall have the like powers as he would have under section two hundred and forty-seven of the Public Health Act, 1875, in relation to the audit of accounts of an urban authority (not being the council of a borough); and the audit of the accounts of every such board shall be conducted in accordance with the provisions of that section as amended by the District Auditors Act, 1879, and with the like incidents and consequences.

Power of entry.

38. Any surveyor or person authorised by the Board shall have power at all reasonable times to enter on, inspect, and to survey any land, buildings, or premises in respect of which any claim has been made under this Act, and for the purpose of obtaining or verifying returns to enter any premises in respect of which any return is to be made under this Act; and any person who obstructs any such entry, inspection, or survey shall be liable on summary conviction to a penalty not exceeding *five pounds* for every such offence.

Allowance of byelaws.

39. Sections one hundred and eighty-two to one hundred and eighty-six (both included) of the Public Health Act, 1875, shall apply to all byelaws to be made by a board under this Act.

No action or certiorari.

40.—(1.) No action or proceeding, whether by way of prerogative or other Mandamus or otherwise, shall be maintainable in any court against a board or any member or officer thereof to recover any compensation, or to compel or prevent the assessment or allowance of any compensation.

(2.) No order, resolution, or proceeding of a board, and no rate or assessment made by a board shall be removable by certiorari into any court.

Power to dissolve compensation board.

41. Where the continued existence of a compensation board is represented to the Local Government Board to be unnecessary or inexpedient for carrying into effect the purposes of this Act, the Local Government Board may, after local inquiry, by order dissolve such compensation board, and shall in every such order make due

provision for the discharge and settlement of all debts and liabilities owing by or to such compensation board, and for the complete winding up of its affairs. A.D. 1890.

42. Nothing in this Act shall entitle any railway or canal company, or the trustees of the River Weaver Navigation, or the county council of Cheshire, or any pumper of brine, to compensation from any compensation board, and this Act shall not apply to any lands belonging to them respectively, including main roads. Act not to apply to railways, canals, &c.

43. In this Act— Interpretation.

"Owner" means the person for the time being receiving the rackrent of the land in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if the land were let at a rackrent:

"Rateable value" means the rateable value according to the valuation list for the time being in force, or if there is none, then according to the last rate made for the relief of the poor:

"Sanitary authority" includes an urban sanitary authority and rural sanitary authority under the Public Health Act, 1875.

A.D. 1890.

SCHEDULE.

First meeting of board.

1. The first meeting of the board shall be held at such time and place as shall be fixed by the Local Government Board.

Chairman of board to preside at meetings.

2. The chairman of a board is entitled to preside at every meeting, but if at any meeting the chairman is not present at the time appointed for holding the same, the vice-chairman shall be entitled to preside, and if neither the chairman or vice-chairman be present, the members present shall choose some one of their number to be chairman of such meeting.

Summoning meeting.

3. The chairman may at any time call a meeting. If the chairman refuses to call a meeting after a requisition for that purpose, signed by five members of the board, has been presented to him, any five members of the board may forthwith on that refusal call a meeting. If the chairman (without so refusing) does not within seven days after such presentation call a meeting, any five members of the board may on the expiration of those seven days call a meeting.

Notice of meeting.

4. Three clear days at least before any meeting of a board a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the chairman or clerk of the board, shall be left or delivered by post at the usual place of abode of every member of the board. Want of service of the summons on any member of the board shall not affect the validity of a meeting.

Quorum.

5. To constitute a meeting of a board there must be at least one third of the members personally present.

Decision of questions at meeting.

6. All acts of a board, and all questions coming or arising before the board, may be done and decided by the majority of such members of the board as are present and vote at a meeting held in pursuance of this Act.

In case of equality of votes the chairman of the meeting shall have a second or casting vote.

Minutes.

7. Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose, and shall be signed by the chairman of the meeting or of the next ensuing meeting.

Standing orders.

8. Subject to the foregoing provisions of this schedule a board may from time to time make standing orders for the regulation of their proceedings and business and vary or revoke the same.

Brine Pumping (Compensation for Subsidence).

A

B I L L

To provide compensation for owners of property suffering through the subsidence of the ground caused by the pumping of Brine.

(Prepared and brought in by Mr. Brunner, Colonel Cotton-Jodrell, Mr. Tollemache, Mr. Jennings, and Mr. M'Laren.)

Ordered, by The House of Commons, *to be Printed,* 27 *November* 1890.

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[Bill 118.]

Brine Pumping (Compensation for Subsidence) Bill.

ARRANGEMENT OF CLAUSES.

(i.) *Preliminary.*

Clause.

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2. Extent of Act.

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3. Application for order for formation of district.
4. Inquiry on receipt of memorial.
5. Procedure on inquiry.
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(iii.) *Compensation Boards.*

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SCHEDULE.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Provide compensation for owners of property suffering through the subsidence of the ground caused by the pumping of Brine. A.D. 1891.

WHEREAS in certain parts of England brine pumping operations are extensively carried on for the purposes of salt and alkali manufacture, and the effect of those operations is in many cases to cause subsidence of land and damage to dwelling-houses, buildings, and other property, even at considerable distances from the site of the pumping shafts or stations:

And whereas no effectual remedy by action or otherwise exists for the damage and loss thus caused, and it is just and expedient that such provisions as this Act contains should be made for the purpose of affording such a remedy:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

(i.) *Preliminary.*

1. This Act may be cited as the Brine Pumping (Compensation for Subsidence) Act, 1891. Short title.

2. This Act shall not extend to Scotland or Ireland. Extent of Act.

(ii.) *Formation of Compensation District.*

3. Any owner or owners of land in any county of a rateable value in the aggregate of not less than two thousand pounds, and any sanitary authority in any county, may apply to the Local Government Board by memorial, alleging that subsidence of land Application for order for formation of district.

A.D. 1891.

belonging to such owner or owners, or situate within the district of such authority, is caused by brine pumping operations, whereby loss or damage is occasioned, and praying that a compensation district may be formed under this Act, with such boundaries as shall be described in the memorial, or such other boundaries as the Local Government Board shall fix.

Inquiry on receipt of memorial.

4. On the receipt of the memorial, the Local Government Board may, if they think a sufficient primâ facie case has been made out, and after requiring (if they think fit) security to be given for any costs which may be incurred by the Board in relation to any local inquiry under this section, direct a local inquiry to be held by an inspector as to the expediency of forming the proposed district and as to the boundaries to be assigned to such district, and as to any further incidental matters in relation thereto as the Board may think fit.

Procedure on inquiry.

5. Before a local inquiry under this Act is held, the Local Government Board shall give public notice by advertisement in local newspapers, or otherwise, in such manner as they think fit, of the time and place at which the inquiry will be held, and the inspector shall hear all persons locally interested appearing before him and desirous of being heard in relation to the formation of the district, and the establishment of a compensation board under this Act.

Formation of district by Provisional Order.

6.—(1.) If the Local Government Board after receiving the report of their inspector determine to form a compensation district as prayed by the memorial, or with addition of any lands or exclusive of any of the lands proposed by the memorial to be included in the district, the Local Government Board shall frame a draft provisional order forming a compensation district and establishing a compensation board under this Act in such manner as they think expedient having regard to all the circumstances of the case.

(2.) The Local Government Board shall cause printed copies of the draft order to be deposited with the clerk of the county council of the county or counties in which the district or any part of the district proposed to be formed by the draft order is situate and with the sanitary authority or authorities exercising jurisdiction in such district or any part thereof. The copies so deposited shall be open to inspection without fee by all owners and occupiers of land and by all brine pumpers within the district.

(3.) The Local Government Board shall also cause notice to be given of such deposit of copies and of the purport of the draft

order by advertisement in two successive weeks in some local newspaper circulating in the district proposed to be formed by the draft order.

Confirmation, &c. of Provisional Orders.

7.—(1.) The Local Government Board may submit to Parliament for confirmation any provisional order made by the Board in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament.

(2.) If while the Bill confirming any such order is pending in either House of Parliament a petition is presented against any order comprised therein, the Bill so far as it relates to such order may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

(3.) Any Act confirming any provisional order made under this Act may be repealed, altered, or amended by any provisional order made by the Local Government Board and confirmed by Parliament.

(4.) The Local Government Board may revoke either wholly or partially any provisional order made by them before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament.

(5.) The making of a provisional order shall be prima facie evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with.

(6.) Every Act confirming any such provisional order shall be deemed to be a Public General Act.

(7.) The costs incurred by the sanitary authority in or about any inquiry by the Local Government Board and in or about the promotion of or opposition to any provisional order under this Act shall be payable out of the fund or rate applicable to the general expenses of such authority.

Alteration of boundaries of the district.

8.—(1.) The boundaries of any compensation district may be altered by the Local Government Board on such application as in this section provided, but after the like inquiry and with the like proceedings as to a provisional order as in the case of the formation of a district, and for the purpose of such alteration the foregoing provisions relating to an inquiry and a provisional order shall apply so far as practicable.

(2.) An application for the alteration of the boundaries of a compensation district may be made by any brine pumper and by any person or body of persons authorised to apply under this Act

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to the Local Government Board for the formation of a compensation district, except that in the case of an application by an owner or owners of property the aggregate rateable value of the property of such owner or owners for the purposes of this section shall be not less than five hundred pounds.

(iii.) *Compensation Boards.*

Compensation board for each district.

9. For every district formed under this Act there shall be a compensation board constituted of such number of members (not exceeding nine) as shall be named in the order forming the district.

Incorporation of board.

10.—(1.) Every compensation board shall be a body corporate by the name specified in the order establishing such board with perpetual succession and a common seal, and with power to acquire and hold lands for the purposes of their constitution without any license in mortmain.

(2.) No act or proceeding of a board, or of any committee appointed by the board, shall be questioned on account of any vacancy in their body.

Election of members and incidental matters.

11.—(1.) Of the members of every compensation board—

One third, not being brine pumpers or persons employed by them for the purposes of their business, shall be appointed by the county council of the county in which the district is situated ;

One third shall be elected by the brine pumpers within the district ;

One third, not being brine pumpers or persons employed by them for the purposes of their business, shall be appointed by the sanitary authority or authorities having jurisdiction within the district.

(2.) An order of the Local Government Board under this Act shall contain all such provisions, subject to the provisions of this Act, for the number of members of the compensation board to be established for the district, and for their election, appointment, and retirement, and for the formation and revision of a register of persons entitled to vote at elections, the number of votes to which each brine pumper shall be entitled, and for any other matters as may seem to the Local Government Board expedient.

Chairman of board.

12.—(1.) A board shall at their first meeting after their constitution, and at their first meeting in each subsequent year, choose one of their members to be chairman and one other of their members to be vice-chairman, and the members so chosen

shall continue in office until the next meeting at which a chairman and vice-chairman are to be chosen pursuant to the above provision.

(2.) If any casual vacancy occur in the office of chairman or vice-chairman, the board shall as soon as conveniently may be after the occurrence of such vacancy choose one of their members to fill such vacancy; and every chairman or vice-chairman so chosen as last aforesaid shall continue in office so long only as the person in whose place he is chosen would have been entitled to continue in office.

Resignation of members.

13. A member of a compensation board may resign his office by notifying in writing his intention so to do to the chairman or clerk of the board for the time being.

Casual vacancies.

14. Any casual vacancy in a compensation board occurring by death, resignation, or otherwise shall be filled up in manner to be decided by the regulations of the Local Government Board by the body of persons by whom the vacating member was originally chosen, as soon as reasonably practicable after the occurrence of the vacancy; but a member so chosen shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred.

Meetings and proceedings of boards.

15. Meetings of compensation boards shall be held and the proceedings thereat shall be conducted in accordance with the rules as to meetings and proceedings contained in the schedule to this Act.

Minutes of proceedings &c.

16.—(1.) A minute of proceedings at a meeting of a compensation board or of a committee, signed at the same or at the next ensuing meeting by any person describing himself as, or appearing to be, chairman of the meeting or committee at which the minute is signed shall be received in evidence without further proof.

(2.) Until the contrary is proved, every meeting of a compensation board or committee whereof a minute has been so made, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified.

Committees of boards.

17. A board may from time to time appoint one or more committee or committees for any of the purposes of this Act, and may fix the quorum of any committee, and prescribe the manner in which the business of a committee shall be conducted: Provided that no rate shall be made or declared, nor any award of compensation made or allowed or disallowed, except at a general meeting of the board.

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Power to appoint officers.

18. A board may appoint and pay such surveyors and other officers as they think necessary, and they may make all such surveys and valuations as they think necessary.

Regulations by boards.

19. A board may from time to time make regulations for defining the duties of any officers or servants of the board.

Power to invest moneys.

20. A board may invest any moneys for the time being in their hands, and not immediately required for the purposes of this Act, in any securities in which trustees are for the time being empowered by law to invest trust moneys, or may place such moneys on deposit in any bank approved for the purpose by the Local Government Board.

(iv.) *Compensation Fund and Claims thereon.*

District compensation funds.

21.—(1.) Every board shall form and maintain a compensation fund for their district.

(2.) The compensation fund for the district shall be formed and maintained by the assessment and levy as in this Act provided of such rate (not exceeding the limit or rate herein-after mentioned) for every one thousand gallons of brine pumped or raised within the district as the board from time to time think necessary and order to be levied.

(3.) The compensation fund for a district shall be solely applicable to compensation for damage happening within that district arising from subsidence, and for the expenses and liabilities of the board, and costs allowed by the board to any claimant or objector.

Damage for which compensation may be made.

22. The damage for which compensation may be made under this Act shall be damage of any of the following kinds (and no other) arising from subsidence which has happened after the passing of this Act:—

(1.) Depreciation of land (but not including any erection or works on or under such land except as herein-after in this section provided) which shall subside or become permanently submerged, including any necessary expense of fencing in such land:

(2.) Destruction or structural damage of buildings and walls of all kinds, but not including damage to machinery or fixtures, whether removable or not:

(3.) The proper and necessary expense of building retaining walls or bolting together or underpinning or otherwise supporting, raising, or repairing buildings and walls:

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(4.) The proper and necessary expense of altering the approaches to or the levels of lands or buildings;

(5.) The proper and necessary expense of raising, lowering, diverting, or making good private roads, bridges, fences, sewers, or drains.

Provided that no claim shall be made by any person unless he has such title to or interest in the property so damaged or some part thereof as would entitle him to recover in respect of such damage if the same had been caused by the wrongful excavation by any other person of strata underlying or supporting such property, and no claim shall be made except for damage as herein-before defined, and any compensation award shall in no case exceed the amount of the actual loss sustained by the person making the claim (herein referred to as the claimant), or exceed the amount of the expense necessary to make good any damage sustained, as herein-before defined, all circumstances which in the opinion of the board or other tribunal are material being taken into consideration.

The compensation board shall have power to make contributions out of any sum to be levied under this Act towards the extra cost of building, rebuilding, or replacing any existing or future building within the area of its district on some system or style of building whereby it can conveniently be raised, and may also provide plans and models of buildings recommended as suitable and convenient for the purpose aforesaid.

Claims for compensation.

23.—(1.) Any claimant who alleges the following matters, that is to say—

(i.) That any damage as in this Act defined has been caused to any property by subsidence of the same or of any other land, and that the subsidence is the result of pumping or raising of brine, and has happened after the passing of this Act; and

(ii.) That he has such title to or interest in the property so damaged or some part thereof as would entitle him to recover in respect of such damage if the same had been caused by the wrongful excavation by any other person of strata underlying or supporting such property;

and who has given notice in writing to the board, or if there be no such board, then to the sanitary authority of the district in which such property is situated, of such damage within six months after the same became apparent, may send in to the board a claim for such damage to the extent of his title or interest.

(2.) It shall be lawful for a compensation board from time to time by byelaws under this Act to prescribe the form of any such

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claim and the time within which and the manner in which any such claim shall be made, and the proofs by which the claim is to be accompanied, and no claim shall be allowed with respect to any damage of which the prescribed notice shall not have been given, nor in respect of which the provisions of such byelaws (unless dispensed with for cause which the board shall deem reasonable and sufficient) are not observed.

(3.) Every board shall, once or oftener in each year, give notice by such advertisement as shall be prescribed in such byelaws requiring all claims intended to be made under this Act to be sent in to such board, and requiring such claims to be so sent in within a time to be named in such advertisement.

(4.) On the expiration of the period within which claims are to be sent in to the board, such board shall give to every brine pumper within their district notice of all claims (if any) received by such board, specifying in such notice the names of the claimants, the amount claimed, and the property in respect of which each such claim is made, and shall give by advertisement in any newspaper circulating in the district one month's notice of the day on which such board intends to proceed to adjudicate on such claims.

(5.) The board shall, on the day appointed for adjudication, and on any subsequent day or days appointed by them for the purpose, consider all claims duly made and which have not been previously adjudicated on, and shall, so far as they think practicable and convenient, adjudicate thereon in such manner as they shall think fit, and allow or disallow all such claims or any items thereof, or by agreement with the claimant may refer any claim to arbitration.

Mode of dealing with claims.

24. A board shall disallow any claim for damage which in their opinion was not caused by subsidence of any land or by subsidence of land which is proved not to have been caused by brine pumping, or in respect of which in their opinion (subject to appeal as in this Act mentioned) the claimant has not such title or interest as would entitle him to recover under this Act; and shall disallow any claim to the extent to which in their opinion the damage in respect of which the claim was made has been occasioned or increased by any neglect or default of the claimant or of any person by whose acts he is affected or bound, or by the buildings or other matters in respect of which the claim was made, having been of an unnecessarily expensive kind, or improperly constructed, having regard to the liability of the district or any part thereof to subsidence. The brine pumpers shall be entitled to be heard before the board on all claims exceeding one thousand pounds.

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Power to board to commute claims.

25. A board may, by resolution passed at a meeting whereof not less than twenty-one days notice specifying the objects of the meeting has been served on the members of the board, provide that the damage in any particular case, if in their opinion likely to be permanent or to continue for a number of years, shall be ascertained, settled, and paid for either once for all, or for such number of years as they think just, instead of being claimed from time to time.

Recovery of sums awarded.

26. Any sum awarded by a compensation board to be paid under any of the provisions of this Act shall be certified by the clerk of the board under his hand, and may subject to the provisions of this Act be recovered as a debt at the expiration of three months from the date of such certificate in the county court within whose jurisdiction the land to which the claim relates is situate.

Appeal on questions of title.

27.—(1.) If a board disallow a claim or any item thereof on the ground that the claimant had not, as respects such claim or item, such title or interest in the property damaged by subsidence as would entitle him to recover under this Act, the claimant may appeal in manner in this section mentioned on the ground that he had such title or interest.

(2.) If a board allow a claim or any item thereof, any person assessed to the last rate made under this Act in and for the district may appeal in manner in this section mentioned against such allowance on the ground that the board ought to have decided that the claimant had not (as respects such claim or item) such title or interest as herein-before mentioned.

(3.) Notice of appeal under this section must be given in writing to the board at the meeting at which the decision appealed against is given, or within three weeks afterwards.

(4.) The appeal shall be brought in the county court within whose jurisdiction the land is situate, in manner prescribed by rules made or to be made by the authority for the time being empowered to make rules for the procedure and practice of county courts.

(5.) The judgment of the county court shall be binding on all persons subject to an appeal to the Supreme Court according to the practice for the time being in use with respect to appeals from county courts.

(6.) The costs of any appeal under this section shall be in the discretion of the court in which the same are incurred.

(7.) If as a consequence of any decision on appeal under this section any damage is to be assessed, increased, or reduced, the claim shall stand remitted to the board to be adjudicated, and allowed, altered, increased, or reduced as the case may require.

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Special case.

28. Any person aggrieved who desires to question an order or determination of the board on the ground that it is erroneous in point of law, may apply to the board to state a special case, setting forth the facts of the case and the grounds on which the order or determination is questioned, and if the board decline to state the case, may apply to the High Court of Justice for an order requiring the case to be stated.

The application shall be made and the case stated, heard, and determined in accordance with the provisions of section 33 (2) of the Summary Jurisdiction Act, 1879, as if the case stated by the board were a case stated by a court of summary jurisdiction.

Limit of Appeal.

29. In no case shall there be any appeal by special case or otherwise where the amount claimed does not exceed one hundred pounds.

Board may require compensation to be expended in repairs, &c.

30. A board may require any compensation in respect of lands, buildings, or works to be expended in the filling up of holes in such lands, or the restoration or repair of such buildings or works, and may refuse to pay such compensation except on their surveyor's certificate that the amount thereof has been properly expended in such filling up, restoration, or repair.

Power to purchase by agreement.

31. Any board may by agreement purchase or take on lease, sell, or exchange any lands within the district of such board, and may pull down and remove any buildings thereon which such board may consider in a dangerous state or likely to become so.

Power to purchase otherwise than by agreement.

32. A board may by resolution passed at a meeting whereof not less than twenty-one days' notice specifying the objects of the meeting has been served on the members of the board, resolve that it is desirable that no buildings should be erected on any land scheduled to such resolution, or that any buildings on such land should be pulled down and removed, or that for any good and sufficient reason any land scheduled to such resolution should be purchased, and thereupon all the powers to purchase land other than by agreement conferred upon a local authority by the Public Health Act, 1875, or any statutory modification thereof shall be vested in such board in respect of any land so scheduled, but subject to the conditions under which a local authority can exercise such powers.

Power to sell.

33. A board may sell any land acquired under this Act subject to such conditions as to the future use of such land, and with such restrictions or prohibition as to building thereon as to such board may seem fit.

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Power to keep register.

34. The board shall cause a book to be kept in which shall be entered from time to time particulars of the lands in respect of which the damage has been ascertained either once for all or for a number of years, and of any lands sold by the board subject to restrictive or prohibitive conditions, and the board shall provide an ordnance map or ordnance maps of convenient size containing such lands on which shall be shown from time to time by the use of colours the situation and extent of such lands. Such book and map or maps shall be kept at the offices of the board or such other place as shall be from time to time appointed by the board, and shall at all times be open to inspection without fee by all persons.

(v.) *Contracts prior to Act.*

Contracts prior to Act.

35. Every brine pumper who after the passing of this Act supplies brine in pursuance of a contract made before the passing of this Act shall be entitled to be paid by the person to whom he supplies such brine the amount of the rate from time to time levied under this Act and paid by him in respect of such brine, unless such contract shall otherwise provide; and the amount of such rate may be recovered by such brine pumper from the person so supplied by him as aforesaid by action in any court of competent jurisdiction.

(vi.) *Rates.*

Estimates and rates.

36.—(1.) Every board shall from time to time estimate the sums required to be levied in order to pay the claims under this Act, and of the amount per one thousand gallons of brine, estimated to be pumped or raised in their district, which will suffice to provide for such claims, and for the expenses of the board, and for the formation of the reserve fund herein-after mentioned, subject to the provisions of this Act, and shall make a rate accordingly within their district.

(2.) Every rate made by the board shall be payable on demand at the expiration of one month after such rate has been made, and the sum assessed on any person by any such rate may be recovered by the board either as a civil debt summarily, or in like manner as a poor rate is now recoverable, or by action in any court of competent jurisdiction.

(3.) Any rate or rate book purporting to be made by authority of the board, and to be sealed with their seal, or a certificate in writing purporting to be given under this Act, and to be sealed

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with the seal of the board, shall be evidence that the person named therein is liable for the sum mentioned therein, and of all matters necessary to entitle the board to recover such sum.

Persons liable to rates.

37. Every brine pumper in any compensation district shall be liable to be rated under this Act.

Limit of rate.

38. The rate or rates to be made by a board on the brine pumpers within their district shall not in the aggregate in any period of twelve months exceed the sum of threepence per one thousand gallons of brine pumped or raised in the district by each of such brine pumpers during the preceding twelve months.

Mode of assessing rates.

39. In assessing a rate in any district the board shall proceed as follows:—

(i.) They shall ascertain and determine by means of the returns to be made under this Act, and by such other evidence (if any) as they think necessary or convenient, the total yield of brine in any year or other period in the district:

(ii.) They shall fix what rate per one thousand gallons of brine will produce the necessary sum:

(iii.) They shall assess every brine pumper liable to pay the rate according to the number of gallons returned by him, subject to revision by the board.

Computation of quantity of brine.

40. It shall be lawful for a board from time to time by byelaws under this Act to establish and adopt any system or systems of computation of the quantity of brine pumped or raised at any pumping station or other place where brine is pumped or raised but such byelaws shall not be held to limit their right to be guided by other evidence.

Returns to be made to board.

41.—(1.) It shall be lawful for a board from time to time by byelaws under this Act to prescribe forms and contents of returns, and the times (not being oftener than once a month for each pumping station) and the manner of making returns by any brine pumper in their district, or by any agent or servant of any such person, and to require such return to state (amongst other things) the quantities of brine pumped or raised at any pumping station.

(2.) Any person required by a board to make any return under this Act or such byelaws who fails to make such return, or wilfully or negligently makes a return untrue in any material respect, shall be liable on summary conviction to a penalty not exceeding twenty pounds for each offence.

(3.) A board may, by summons under their seal, require the attendance before them of any person liable to make any return

under this Act, or who makes any claim under this Act, or of any agent or servant of any such person, and the production by him of any books or accounts, and may require a statutory declaration from any person so summoned touching any matter material to any question to be answered in any returns.

(4.) Any such person failing to attend, or to produce any such books or accounts, or to answer any questions put to him in pursuance of this section, shall be liable on summary conviction to a penalty not exceeding ten pounds.

Appeal against rate.

42. Any person who deems himself aggrieved by any rate made under the provisions of this Act may appeal against such rate to the quarter sessions for the county on the ground that the quantity of brine in respect of which he ought to be assessed is less than the quantity in respect of which he is assessed.

The provisions of section 31 of the Summary Jurisdiction Act, 1879 (as altered and amended by the Summary Jurisdiction Act, 1884), shall apply to appeals to quarter sessions under this Act as if the rate made under the provisions of this Act were a conviction or an order of a court of summary jurisdiction.

On appeals under this Act against any rate the court of quarter sessions shall have the same power to amend or quash any rate or assessment, and to award costs between the parties to the appeal as is or may by law be vested in any court of quarter sessions with respect to amending or quashing any rate or assessment, or awarding costs on appeals with respect to rates for the relief of the poor; and the costs awarded by the said court under this Act may be recovered in the same manner in all respects as costs awarded on the last-mentioned appeal: Provided that notwithstanding the quashing of any rate appealed against, all moneys charged by such rate shall, if the court of quarter sessions think fit so to order, be levied as if no appeal had been made, and such moneys when paid shall be taken as payment on account of the next effective rate made or to be made under this Act.

Abatement of claims, postponement of payments, &c.

43.—(1.) If at any time it appears to a board that the funds applicable for compensation in any district are or will become insufficient to meet in full the claims made or to be made on such funds the board may so declare, and thereupon the board shall make a pro ratâ abatement on the amounts which would otherwise be payable in respect of any claims to be made or allowed after such declaration.

(2.) Where it appears to a board that the compensation payable under this Act in any particular case is exceptional in character and

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amount, or that the immediate payment of the compensation in any particular case or cases will disable them from meeting the other claims on them, they may spread the payment of such compensation with or without interest over such number of years as they think just, having regard to all the circumstances of the case: Provided that it shall be lawful for the board, if and when they think fit, to make up in whole or in part the amount of any abatement made under this section out of any money which might otherwise have been carried to a reserve fund for such district.

(vii.) *Reserve Fund.*

Reserve fund.

44. It shall be lawful for a board if they think fit to form a reserve fund for the purpose of meeting any exceptional claims, or providing for deficiencies which may occur in any year or years, and for that purpose in any period of twelve months to levy a greater rate in such district than the rate required for the claims and expenses estimated to be payable in such period, and they may apply any moneys from time to time standing to the credit of such reserve fund to meet any such exceptional claim or such deficiencies: Provided that the rate shall not in any case exceed the limit of *threepence* per one thousand gallons of brine, and that, if and so long as the reserve fund exceeds in amount the sum of the maximum rate leviable under this Act in one year, no additional rate shall be levied under this section. The interest from time to time accruing on moneys standing to the credit of a reserve fund shall be from time to time added to the compensation fund under this Act, and the full rate of threepence shall continue to be levied until the reserve fund amounts to at least one year's income at the maximum rate.

(viii.) *Miscellaneous.*

Powers of Local Government Board inspectors.

45. Inspectors of the Local Government Board shall for the purposes of any inquiry directed by the Board under this Act have in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which poor law inspectors have under the Acts relating to the relief of the poor for the purposes of those Acts, and the Board may make orders as to the cost of such inquiries and as to the parties by whom or the rates out of which such costs shall be borne; and every such order may be made a rule of the Supreme Court on the application of any person named therein.

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Audit of accounts of board.

46. The accounts of the receipts and expenditure of every compensation board shall be audited by such auditor of accounts relating to the relief of the poor as the Local Government Board may from time to time appoint; and such auditor shall have the like powers as he would have under section two hundred and forty-seven of the Public Health Act, 1875, in relation to the audit of accounts of an urban authority (not being the council of a borough); and the audit of the accounts of every such board shall be conducted in accordance with the provisions of that section as amended by the District Auditors Act, 1879, and with the like incidents and consequences.

Power of entry.

47. Any surveyor or person authorised by the Board shall have power at all reasonable times to enter on, inspect, and to survey any land, buildings, or premises in respect of which any claim has been made under this Act, and for the purpose of obtaining or verifying returns to enter any premises in respect of which any return is to be made under this Act; and any person who obstructs any such entry, inspection, or survey shall be liable on summary conviction to a penalty not exceeding five pounds for every such offence.

Allowance of byelaws.

48. Sections one hundred and eighty-two to one hundred and eighty-six (both included) of the Public Health Act, 1875, shall apply to all byelaws to be made by a board under this Act.

Power to dissolve compensation board.

49. Where the continued existence of a compensation board is represented to the Local Government Board to be unnecessary or inexpedient for carrying into effect the purposes of this Act, the Local Government Board may, after local inquiry, by a provisional order dissolve such compensation board, and shall in every such order make due provision for the discharge and settlement of all debts and liabilities owing by or to such compensation board, and for the complete winding up of its affairs.

Restriction of right of action.

50. Nothing in this Act shall entitle the following persons or bodies of persons to compensation from any compensation board, namely:—

(1.) Any railway or canal company. Provided always that a railway or canal company shall be entitled to compensation in respect of buildings or other property which are not in connexion with the railway or canal, and are not used for the purposes of the traffic thereon.

(2.) Any gas or water company.

(3.) Any county council, or municipal corporation.

(4.) Any sanitary, highway, or other local authority.

(5.) Any brine pumper.

A.D. 1891.

(6.) Any owner of land who receives brine rents, royalties for salt, or other remuneration or consideration in respect of the lands for which such brine rents, royalties for salt, or other similar remuneration or consideration are paid.

(7.) Any owners or occupiers of salt or alkali works in respect of such works.

(8.) The trustees of the River Weaver Navigation.

Except as provided by this Act no action or other proceeding shall be commenced or taken for or in respect of any damage or injury for which compensation has been claimed under this Act.

Provisions as to Joseph Verdin's Trust.

51. Whereas by a certain indenture dated the twenty-fourth day of September one thousand eight hundred and ninety, and made between Joseph Verdin of the first part, the said Joseph Verdin, William Henry Verdin, and John Henry Cooke, of the second part, the said Joseph Verdin, William Henry Verdin, John Clough, John Weston, Samuel Willis Cross, and John Henry Cooke of the third part, a certain sum of twenty-six thousand three hundred and eighty-eight pounds six shillings and seven pence was settled by Joseph Verdin, esquire, D.L., for the purpose of providing compensation for subsidence of premises in Northwich and Winsford, and the neighbourhood thereof, now entitled to the benefit of the provisions of this Act. Be it enacted, by and with the consent of the said Joseph Verdin, and by and with the consent of the trustees of the said fund, that the said fund (subject to any liabilities incurred by the trustees and to the consideration of existing claims) shall no longer continue to be vested in the said trustees as provided by the said indenture, but shall from henceforth be held by and be vested in the said Joseph Verdin alone, in trust to pay, expend, and allocate the same according to the provisions of a scheme to be framed by him, or on his default by the other trustees of the said fund, so that the same and all accumulations of income thereto shall be applied for the purposes of the Technical Instruction Act, 1890, the Museums and Gymnasiums Act, 1891, the Victoria Infirmary, Northwich, and for such other purposes of public and permanent benefit as the said Joseph Verdin or the said trustees (as the case may be) shall determine.

Costs of Act.

52. Whereas certain owners of land and other persons resident in the county of Chester have subscribed or guaranteed a fund of one thousand two hundred and fifty pounds towards the costs and expenses of obtaining this Act. Therefore be it enacted that out of the first moneys raised under this Act by such compensation board or boards as shall comprise within their district or districts

the urban sanitary districts of Northwich and Winsford respectively in the county of Chester there shall be paid to such owners and other persons towards the costs and expenses incurred by them preliminary to and of and incidental to the preparing and obtaining of this Act the sum of one thousand pounds.

The respective costs, charges, and expenses of the local boards for the districts of Northwich and Winsford, in relation to this Act shall be respectively paid by and charged upon the district rates and funds of the said boards respectively.

Interpretation.

53. In this Act—

"Owner" means the person for the time being receiving the rackrent of the land in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if the land were let at a rackrent:

"Rateable value" means the rateable value according to the valuation list for the time being in force, or if there is none, then according to the last rate made for the relief of the poor:

"Sanitary authority" includes an urban sanitary authority and rural sanitary authority under the Public Health Act, 1875.

"Brine pumper" means a person or company who pumps or raises brine from shafts, wells, springs, or mines.

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SCHEDULE.

First meeting of board.

1. The first meeting of the board shall be held at such time and place as shall be fixed by the Local Government Board.

Chairman of board to preside at meetings.

2. The chairman of a board is entitled to preside at every meeting, but if at any meeting the chairman is not present at the time appointed for holding the same, the vice-chairman shall be entitled to preside, and if neither the chairman or vice-chairman be present, the members present shall choose some one of their number to be chairman of such meeting.

Summoning meeting.

3. The chairman may at any time call a meeting. If the chairman refuses to call a meeting after a requisition for that purpose, signed by five members of the board, has been presented to him, any five members of the board may forthwith on that refusal call a meeting. If the chairman (without so refusing) does not within seven days after such presentation call a meeting, any five members of the board may on the expiration of those seven days call a meeting.

Notice of meeting.

4. Three clear days at least before any meeting of a board a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the chairman or clerk of the board, shall be left or delivered by post at the usual place of abode of every member of the board. Want of service of the summons on any member of the board shall not affect the validity of a meeting.

Quorum.

5. To constitute a meeting of a board there must be at least one third of the members personally present.

Decision of questions at meeting.

6. All acts of a board, and all questions coming or arising before the board, may be done and decided by the majority of such members of the board as are present and vote at a meeting held in pursuance of this Act.

In case of equality of votes the chairman of the meeting shall have a second or casting vote.

Minutes.

7. Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose, and shall be signed by the chairman of the meeting or of the next ensuing meeting.

Standing orders.

8. Subject to the foregoing provisions of this schedule a board may from time to time make standing orders for the regulation of their proceedings and business and vary or revoke the same.

Brine Pumping (Compensation for Subsidence).

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To provide compensation for owners of property suffering through the subsidence of the ground caused by the pumping of Brine.

(*Prepared and brought in by Mr. Brunner, Colonel Cotton-Jodrell, Mr. Tollemache, Mr. Jennings, and Mr. M'Laren.*)

Ordered, by The House of Commons, *to be Printed*, 28 *April* 1891.

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HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* 2½*d.*]

[Bill 296.]

A

B I L L

TO

Amend the Law relating to Feus and Leases for Building in Scotland. A.D. 1890.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

When land is feued or let for building certain conditions to be void.

1. Subject to the provisions of this Act, where land shall be or has been feued or let upon the condition that buildings are or were to be erected thereon, any contract or agreement purporting—

(*a*) to entitle the superior or lessor to do any act whereby the buildings may be injured, which but for such contract or agreement he would not have been legally entitled to do, or

(*b*) to release the superior or lessor from any obligation to pay damages for doing injury to such buildings, which but for such contract or agreement he would have been liable to pay,

shall be void.

Provision for existing contracts. Power to resume.

2. Where, prior to the *passing of this Act*, land has been feued or leased for building subject to any such contract or agreement as aforesaid, it shall be lawful for the superior or lessor, at any time within six months after the passing of this Act, to resume possession of the land with the buildings thereon on payment of their value.

Arbitration.

3. The parties, if they do not agree upon the value, may jointly appoint an arbiter, whose decision shall be final, or each party may appoint an arbiter; and the arbiters, if they differ in opinion, may appoint an oversman, whose decision shall be final.

Principle of valuation.

4. The value shall be estimated as if no such contract or agreement had been made.

Short title.

5. This Act may be cited as the Building Feus and Leases (Scotland) Act, 1891.

[Bill 77.]

Building Feus and Leases (Scotland).

A

B I L L

To amend the Law relating to Feus and Leases for Building in Scotland.

(*Prepared and brought in by Mr. Donald Crawford, Mr. Bryce, Mr. Monro Ferguson, and Mr. Philipps.*)

Ordered, by The House of Commons, *to be Printed,* 26 *November* 1890.

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[*Price* ½*d.*]

[Bill 77.]

Building Lands (Scotland) Bill.

MEMORANDUM.

The purpose of this Bill is threefold.

1. To enable municipal authorities and county councils in Scotland to acquire land compulsorily for public purposes at its market value.

2. To provide machinery by means of which effect may be given to the principle that the special increase in the value of land adjacent to populous places, which is exclusively due to the growth and necessities of the population, as distinguished from the general rise in the value of land in the district, should be secured for the community which has created that special increase.

3. To provide means whereby land in the vicinity of populous places may be valued for rating purposes at its real value, as distinguished from what is actually received from it.

The first branch of the purpose of the Bill receives effect by an adaptation of the familiar machinery incorporated in the Lands Clauses Consolidation (Scotland) Act, 1845. The second is effected by providing powers to the local authority to have a valuation at the actual market value of any land which it is desirous, or conceives it may be desirous, of acquiring. This valuation is made at the expense of the authority desiring it, the costs of the landowner being provided for. And the authority is thus enabled, at any period within twenty years from the date of such valuation, to acquire the land in question at the actual market price as between a willing selling and a willing buyer, minus so much as is attributable to the special unearned increment to the value of the land which has since the date of the first valuation been caused by the growth of the population. The control of this operation is vested in the Commission constituted by special provisions in the Bill, the function of which is to take care that the local authority does not abuse its powers. It will be seen that the principle of this part of the Bill is to secure for the local authority in the future the growth and the value of land which is thus due to the population

that it represents. The third part of the Bill in substance provides that building land is to be rated, not merely on its actual annual yield, but in the case of land kept unbuilt on with a view to the increase in its value on an annual value equivalent to four per cent. on the actual capital value in the open market. The machinery of the Lands Clauses Consolidation (Scotland) Act, 1845, and of the existing Valuation Acts, has been adopted throughout the Bill.

A

B I L L

TO

Deal with the Purchase of Land by Local Authorities in Scotland. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title, &c.

1. This Act, which may be cited for all purposes as the Lands Purchase and Valuation (Scotland) Act, 1891, shall come into operation on the *first day of January one thousand eight hundred and ninety-two*, and shall extend to Scotland only.

Interpretation.

2. In this Act:

"Local authority" shall mean (1) the town council of any burgh (within the meaning of the Local Government (Scotland) Act, 1889) which, under the provisions of that Act, is not entitled to be represented on the county council of any county, or (2) the county council of any county (within the meaning of the Local Government (Scotland) Act, 1889):

"Local area" shall mean the area of (1) any such burgh as aforesaid, or (2) any such county as aforesaid:

"Lands" shall extend to houses, lands, tenements, and heritages of any description or tenure:

"Regulations" shall mean the regulations to be drawn up in terms of this Act:

"The local commission" shall mean the local commission constituted by this Act:

"The convener of the local commission" shall mean the convener of such commission provided by section eighteen of this Act:

"The Valuation Acts" shall mean the Act 17 & 18 Vict. c. 91., and any Acts amending the same.

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PART I.

Power to local authority to purchase lands, or to have lands valued with a view to subsequent purchase.

3. With regard to the purchase of lands, and to the valuation of lands with a view to the subsequent purchase of the same, be it enacted as follows:—

At any time after the commencement of this Act the local authority shall be empowered as follows:—

(1.) To purchase any lands in Scotland, subject to the provisions of this Act:

(2.) To have any such lands valued with a view to the subsequent purchase of the same under the provisions of this Act.

Provided that, if such lands or any part or parts thereof are situated outside the local area, the consent of the local authority or authorities corresponding to the local area or areas within which such lands or such part or parts thereof are situated shall have been first obtained in writing duly authenticated by or on behalf of such local authority or authorities.

Intimation to owner of lands. Advertisement and statement for the local commission.

4. When the local authority resolves to exercise either of the powers conferred by the preceding section, it shall be the duty of local authority (1) to make intimation of such resolution in the manner provided in the regulations to the owner of lands; (2) to advertise such resolution in the manner provided by the regulations; and (3) to send, in the manner provided by the regulations, to the convener of the local commission (*a*) a statement of the grounds and object of the proposed purchase or valuation, (*b*) a description and plan of all the lands proposed to be purchased or valued, and (*c*) any written consent which may be required in terms of the preceding section.

Procedure before the local commission.

5. Upon receipt of such statement, description and plan, and written consent (if any), the local commission shall take such steps as it may think necessary or expedient, either by holding a local inquiry or otherwise, for the purpose of ascertaining if there are any reasonable objections to the carrying out of the proposed purchase or valuation, in respect that the proposed purchase or valuation, or the objects for which the same, or either of them, is proposed, are not in the interest of the public, which the local authority represents, and thereafter the local commission may, by written order signed by the convener of the same, either authorise or disallow the said proposed purchase or valuation or the object for which the same, or either of them, is proposed to be made, in whole

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or in part, or (upon the application of any party appearing in or represented at such inquiry, and after such further advertisement and intimation as it may think necessary) alter or extend the lands proposed to be purchased or valued, or the object for which such lands are proposed to be purchased or valued. Such local inquiry (if any) shall be held at such time and place and in such manner as shall be provided in the regulations, and all the expenses connected with such inquiry, or incurred by any party appearing or represented at such inquiry shall, subject to the regulations and the provisions of this Act, be settled as regards the amount of the same by the local commission, and shall be borne (unless the local commission in its discretion otherwise direct) by the local authority. The decision of the local commission in all matters brought before it under this Act shall be final and not subject to review or appeal in any form or court whatever.

Expenses of such procedure to be borne by the local authority.

6. It shall be lawful for the local authority to purchase under this Act, or (as the case may be) to have valued with a view to subsequent purchase under this Act, all the lands comprised in any order of the local commission authorising the purchase or (as the case may be) the valuation of the same.

Powers of local authority to extend to all lands authorised by the local commission to be purchased or valued.

7.—(1.) Any purchase of lands authorised under the provisions of the preceding sections shall be carried into effect subject to and in the manner provided by the clauses of the Lands Clauses Consolidation (Scotland) Act, 1845, herein-after incorporated with this Act:

Purchase to be carried out in manner provided by Lands Clauses Consolidation (Scotland) Act, 1845, as incorporated with this Act;

Provided that the price payable to the owner of any lands proposed to be purchased, in respect of such lands, shall be taken to be the price which such lands might reasonably be expected to bring, for the time being, as between willing buyer and seller, together with a further sum as compensation for disturbance, and in respect of any damage, by severance or otherwise, caused by the proposed purchase to any lands held together with the lands proposed to be purchased: Provided always, that such further sum shall not be payable except and in so far as damage is actually sustained.

(2.) And any valuation of lands with a view to the subsequent purchase of the same authorised under the provisions of the preceding sections shall be made in the manner, or as nearly as may be (mutatis mutandis) in the manner, provided in the clauses of the Lands Consolidation (Scotland) Act, 1845, herein-after incorporated with this Act, for ascertaining the amount of the

and valuation in manner provided in that Act for ascertaining compensation.

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compensation payable for lands taken under the provisions of that Act:

Provided that the value at which any lands shall be valued with a view to the subsequent purchase of the same, shall be taken to be the price or value which such lands might reasonably be expected to bring, for the time being, as between willing buyer and seller, and shall not include any further sum as compensation for disturbance, or in respect of damage by severance or otherwise, or in respect of any other matter whatsoever, caused or to be caused by such valuation or by any purchase subsequent to such valuation to the lands proposed to be valued, or to any lands held together with the same, or to any right or interest of the owner of such lands in or to the same.

PART II.

After valuation local authority to record a notice of valuation.

8. With regard to the subsequent purchase of any lands previously valued under this Act, be it enacted that:

Within such period after the ascertainment of the value of the lands as may be provided in the regulations, the local authority shall, at the sight of the local commission, execute and record in the register of sasines a notice of valuation under this Act, which shall be in the form of the Second Schedule appended to this Act. The expense of such notice and of recording the same shall be held to be part of the expenses connected with the proceedings before the local commission, and shall be settled and borne as provided in section five. It shall be the duty of the keeper of the register of sasines to register all such notices when presented to him for that purpose in the appropriate division of the register of sasines, and such notices shall form part of the title of the lands to which they relate, and shall, subject to the provisions of the following section, be valid against all heirs, disponees, representatives, and singular successors in the lands comprised in such notices.

Power to local authority to purchase lands valued at any time within 20 years of date of recording notice: and after 20 years to purchase or have valued under the first part of this Act.

9. At any time within *twenty years* from the date of recording such notice, the local authority shall be empowered to purchase, under this part of this Act, the lands comprehended in such notice, and after the lapse of twenty years from the date of recording such notice, the local authority may purchase such lands under the first part of this Act, or may of new have such lands valued under the

first part of this Act, with a view to the subsequent purchase of the same.

Intimation to owner of lands and to convener of local commission; and advertisement of resolution to purchase.

10. When the local authority resolves to exercise the power conferred by the preceding section, it shall be the duty of the local authority (1) to make intimation in the manner provided in the regulations of such resolution to the owner of the lands and to the convener of the local commission, and (2) to advertise such resolution in the manner provided by the regulations. The intimation to the convener of the local commission shall be accompanied by a statement of the grounds and object of the proposed purchase.

Procedure before the local commission.

11. Upon receipt of such intimation the local commission shall, after such procedure as may be provided in the regulations, or as may be thought by the local commission to be necessary or expedient for the purpose of ascertaining if there are any reasonable objections to the carrying out of the proposed purchase, in respect that the proposed purchase or the objects for which the same is proposed are not truly in the interests of the public which the local authority represents, authorise or disallow the same or the object for which the same is proposed to be made in whole or in part. All the proceedings before the local commission under this and the preceding section shall be conducted subject to and in the manner provided by the regulations, and all the expenses connected with such proceedings shall be settled and borne as provided in section five of this Act.

Powers of the local authority to extend to all lands authorised by the local commission to be purchased.

12. It shall be lawful for the local authority to purchase all lands comprised in any order of the local commission authorising the purchase of the same, and any such purchase shall be carried into effect subject to and in the manner provided by the clauses of the Lands Clauses Consolidation (Scotland) Act, 1845, hereinafter incorporated with this Act:

(1.) Provided that the price payable to the owner of any lands proposed to be purchased, in respect of such lands, shall be taken to be the price or value which such lands might reasonably be expected to bring for the time being as between willing buyer and seller, under deduction of such proportion of the increase (if any) of such price or value over and above the price or value of the said lands as the same was ascertained when the said lands were previously valued under the provisions of this Act as may be ascertained to be special increment due to the increase or movement of the population in, or to the industrial or other development of, any town or other populous

A.D. 1891.

place in the neighbourhood of such lands, and not to any improvements executed by, or any acts of management done by, the owner or any former owner of such lands at any time previous to the purchase of such lands under this Act, together with a further sum as compensation for disturbance and in respect of any damage by severance or otherwise caused by such purchase to any lands held together with the lands proposed to be purchased: Provided always that such further sum shall not be payable except and in so far as damage is actually sustained.

PART III.

Assessor to assess "building lands" at four per centum on the capital value of the same.

13. With regard to any future valuation roll to be made up after the commencement of this Act, be it enacted as follows:

In all cases in which the assessor shall be of opinion that the capital value of any lands and heritages not being built upon or forming part of any yard, garden, park, or policies surrounding, or held or possessed together with any building, and not being used for any public or industrial purpose, is due in whole or in part to the suitability of the same, and the demand (present or prospective) for the same, as building sites or for any industrial or public purpose, in consequence of their proximity to any town or other populous place, the assessor shall, besides ascertaining and entering in such valuation roll the particulars which are by the Valuation Acts required to be ascertained by him and entered in such roll, ascertain and enter in such roll the capital value of such lands and heritages. Such lands and heritages shall be held for the purposes of this Act to be "building lands" and shall be entered as "building lands" in such valuation roll, and the yearly value of such "building lands" for the purposes of the Valuation Acts shall be ascertained and assessed by the assessor at *four pounds* per centum of such capital value and such yearly value so ascertained and assessed shall be likewise entered by the assessor in the valuation roll.

(1.) Provided that this section shall not apply to any lands and heritages of which the yearly value within the meaning of the Valuation Acts is greater than the yearly value thereof as "building lands" ascertained under the provisions of this section, or to any lands and heritages belonging to or leased

by any railway or canal company and forming part of the undertaking of such company.

(2.) And provided that any person liable to pay rates as proprietor of any "building lands" within the meaning of this Act may in his option upon receiving notice of the assessment of such lands as "building lands" elect to have the same entered in the valuation roll at any capital value less than that ascertained by the assessor and the yearly value of such lands shall be assessed by the assessor at *four pounds* per centum upon such less capital value, and the same shall be entered in the valuation roll by the assessor accordingly, and shall be distinguished from other "building lands" entered in such roll by being entered as "building lands specially valued "under sub-section two of section thirteen of the Lands "Purchase and Valuation (Scotland) Act, 1891"; provided always, that *four pounds* per centum upon such less capital value shall not be less than the yearly value of such lands if they were assessed according to the Valuation Acts in force before the commencement of this Act, and provided always that such less capital value so assessed in any year shall be held to be the price or value of such lands in that year for the purposes of Parts I. and II. of this Act as if the same had been ascertained in the manner provided by the said parts of this Act.

Assessor to have all the powers under the Valuation Acts: this part of this Act to be construed together with the Valuation Acts.

14. For the purposes of this part of this Act it shall be lawful for the assessor to exercise all the powers which under the Valuation Acts he may lawfully exercise for the purposes thereof, and the foregoing sections of this Act shall be read and construed together with the Valuation Acts, provided that, wherever any of the provisions contained in the following sections may be inconsistent with the provisions of the Valuation Acts, the provisions contained in the foregoing sections shall prevail.

PART IV.

Supplementary Provisions.

Power to local authority to feu, &c. lands purchased under this Act.

15. The local authority may hold, feu, let on lease, build upon, or lay out any lands purchased under the provisions of this Act; these powers shall be exercised subject to and in the manner (if any) set forth in the order of the local commission authorising the purchase of the lands.

A.D. 1891.

Regulations to be drawn up.

16. Upon the commencement of this Act, or as soon thereafter as conveniently may be, the sheriffs of every county or group of combined counties shall draw up regulations for the purposes of this Act, and may amend the same from time to time, and shall cause the said regulations and any amendments of the same to be transmitted to the sheriff-clerk of every county or division of a county, and the sheriff-clerk shall record the same in the sheriff court books. For the purposes of this section any meeting or meetings of such sheriffs may be convened by the sheriff of the county of Perth.

Sheriff to appoint surveyor on the local commission.

17. Upon the commencement of this Act, or as soon thereafter as conveniently may be, and from time to time as may be necessary, the sheriff of each county or group of combined counties shall appoint a competent surveyor resident in the sheriffdom to be a member of the local commission. The sheriff may recall any such appointment at any time.

Constitution and convener of local commission.

18. The local commission shall consist of the sheriff-substitute or sheriffs-substitute of the county or counties or division or divisions of a county in which any lands (or any part thereof) proposed to be purchased or valued under this Act are situated, and of the surveyor or surveyors appointed under the preceding section for the sheriffdom or sheriffdoms within which such lands (or any part thereof) are situated and the convener of the local commission shall be the sheriff substitute, or (where there are more than one sheriff substitute on such commission) the sheriff substitute of the county or division of the county in which the greater extent of the lands proposed to be purchased or valued is situated.

Clerk to the local commission.

19. It shall be the duty of the sheriff-clerk or clerks of the county or counties or division or divisions of a county in which such lands or the greater extent thereof are situated to act (when required by the convener of the local commission) as clerk or clerks to such local commission.

Fees.

20. In the case of any proceedings before the local commission in connexion with the purchase or valuation of lands under this Act, there shall be paid to the members of the local commission and to the clerk or clerks thereof such fees as may be fixed by the regulations, and such fees shall form part of the expenses of the proceedings of the local commission, and shall be borne as provided by section five of this Act.

Particulars to be stated in orders of

21. Any order made by the local commission under the provisions of sections five and eleven of this Act shall contain a full and

accurate description of the lands comprised therein, and of the title upon which the present owner of such lands is infeft in the same, and also a statement of the grounds and object of the purchase or valuation authorised by such order, and shall be recorded in the sheriff court books of the county in which such lands are situated.

the local commission, and orders to be recorded in the sheriff court books.

22. The local commission shall have all such powers as may be necessary for giving effect to the provisions of this Act.

Powers of local commission.

23. For the purposes of this Act it shall be lawful for all parties possessed of any lands or any right or interest therein to do all the things, and have all the things done to them, which are necessary for the purposes of this Act; and particularly it shall be lawful for the parties following so to do and have done to them, that is to say, all corporations, heirs of entail, life-renters, or persons holding any other partial or qualified estates or interest, married women seised in their own right or entitled to terce or dower, or any other right or interest, husbands, tutors, curators and other guardians for infants, minors, lunatics, or idiots, fatuous or furious persons, or for persons under any other disability or incapacity, judicial factors, trustees or feoffees in trust for charitable or other purposes, executors and administrators; and the powers hereby given to such parties may be exercised by them not only on behalf of themselves and their respective heirs, executors, administrators and successors, but also for and on behalf of every person entitled in revesrion or expectancy after them; and as to such married women, as if they were sole; and as to such tutors, curators, guardians, judicial factors and trustees, on behalf of those for whom they respectively act, whether infants, minors, issue unborn, bankrupts, lunatics, idiots, fatuous and furious persons, married women or other incapacitated persons; and that to the same extent as such infants, minors, bankrupts, lunatics, idiots, fatuous and furious persons, married women and other incapacitated persons respectively could have exercised such powers under this Act if they had respectively been under no disability.

Persons under disability.

24. The funds of the local authority available for the purposes of this Act shall be as follows: (1) any sum or sums given or bequeathed to the local authority for such purposes, (2) any moneys derived from the selling, feuing, or letting of any building lands purchased under this Act, and (3) any excess of income arising from any rates levied by the local authority upon any "building lands" within the meaning of section thirteen of this Act over and above the income which would arise from such rates, if

Funds available by local authority for the purposes of this Act.

A.D. 1891.

such lands had continued to be assessed and rated in the manner prevailing before the commencement of this Act.

Power to local authority to borrow for the purposes of this Act.

25. The local authority under this Act shall be empowered for the purposes of this Act to borrow on the security of any rates leviable and to be levied by the local authority within the local area; provided always that the principal sum so borrowed shall in no case exceed the amount levied from the particular rate or rates burdened or charged with the sum borrowed during the year immediately preceding that in which the money is borrowed, and that any money so borrowed shall be repaid by annual instalments of not less in any one year than *one-twelfth* of the sum borrowed, exclusive of the payment of interest on the same; provided also that no further or other sum shall be so borrowed or chargeable on the particular rate or rates so burdened or charged until the whole of the money last borrowed, with interest on the same, shall have been paid off.

Incorporation of clauses of Lands Clauses Consolidation (Scotland) Act, 1845.

26. The clauses of the Lands Clauses Consolidation (Scotland) Act, 1845, described in the schedule first appended to this Act are, for the purposes of and subject to the provisions of this Act, incorporated with this Act.

SCHEDULES.

FIRST SCHEDULE.

Clauses of the Lands Clauses Consolidation (Scotland) Act, 1845, incorporated with this Act:

(1.) The clauses of the Lands Clauses Consolidation (Scotland) Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement:

(2.) The clauses of the said Act with respect to the conveyances of lands:

(3.) The clauses of the said Act with respect to the entry upon lands by the promoters of the undertaking:

(4.) The clauses of the said Act with respect to small portions of intersected lands:

(5.) The clauses of the said Act with respect to such lands as shall be of the nature of a commonty:

(6.) The clauses of the said Act with respect to lands subject to any security by real lien, wadset, heritable bond, redeemable bond of annuity, or other right in security:

(7.) The clauses of the said Act with respect to leases; provided that section one hundred and sixteen shall not be incorporated with this Act, nor apply to any of the powers under this Act:

(8.) The clauses of the said Lands Clauses Consolidation (Scotland) Act, 1845, with respect to interest in lands which have by mistake been omitted to be purchased.

SECOND SCHEDULE.

Notice of Valuation.

To *A.B.* (*name and design the owner of the lands valued*), heritable proprietor of the lands herein-after described conform to (*describe the deed or deeds on which the present owner is infeft, and if any other person empowered by the Act to represent the owner is concerned in the valuation, refer to him here by name and designation, and specify the nature of his interest*), and to all other persons whom it may concern, take notice that in terms of the Lands Purchase and Valuation (Scotland) Act, 1891, the lands herein-after described have been ascertained for the purposes of the said Act to be of the value of £ (*insert amount*), which lands so valued are described in an order of the local commission under the said Act dated (*date*) and recorded in the sheriff court books for the county of (*name of county*) on (*date of recording*) as follows, viz.: (*insert full description of the lands valued*).

In witness whereof, &c.

Signed on behalf of the local authority.

Building Lands (Scotland).

A

B I L L

To deal with the Purchase of Land by Local Authorities in Scotland.

(*Prepared and brought in by Mr. Munro Ferguson, Mr. Haldane, and Mr. Leng.*)

Ordered, by The House of Commons, *to be Printed,* 27 *November* 1890.

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[Bill 124.]

Burials Bill.

ARRANGEMENT OF CLAUSES.

PART I.

Amendment of General Law.

Clause.

1. Transfer of central authority.
2. Purchase of land.
3. Regulations as to public burial grounds.
4. Certificate of sanitary authority.
5. Provision as to consecration.
6. Buildings for performance of burial services.
7. Decision of bishop not required.
8. Appointment of chaplain.
9. Burial of paupers or lunatics in consecrated ground.
10. Removal of bodies and prohibition of use of burial ground for other purposes.
11. Duty of incumbent in respect of public burial ground.
12. Saving of existing right to perform duties and receive fees.
13. Alteration by agreement of fees payable on interments in existing burial grounds.

PART II.

Amendment of the Burial Laws Amendment Act, 1880.

14. Notice of burials.

PART III.

Repeal of Acts, Definitions, and Miscellaneous.

15. Repeal of Acts.
16. Definitions.
17. Short title and commencement of Act.
18. Construction of Act.
19. Application of Act.

SCHEDULE.

A

B I L L

TO

Further amend the Burial Laws. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Part I.

Amendment of General Law.

Transfer of central authority.

1. The authority and powers which have by any Act relating to the burial of the dead been vested in or exercised by one of Her Majesty's Principal Secretaries of State shall, after the *passing of this Act*, be vested in and exercised by the Local Government Board, and all provisions in any such Act relating to one of Her Majesty's Principal Secretaries of State shall have effect as if the words Local Government Board were substituted for the words one of Her Majesty's Principal Secretaries of State.

Purchase of land.

2. Any burial authority may for the purposes of this Act, or any other Act relating to the burial of the dead, purchase or take on lease, sell or exchange, any land, whether situate within or without their district, and for that purpose section one hundred and seventy-six of the Public Health Act, 1875, shall be considered as part of this Act or any other Burial Act under which the burial authority may for the time being be acting, the words burial authority being substituted for the words local authority in such section.

Regulations as to public burial ground.

3. Where, after the commencement of this Act, any ground is appropriated as a public burial ground for a district, the burial authority having jurisdiction over such burial ground shall sufficiently enclose and protect the same, but shall not permit any division to be made, or other means to be taken of marking the boundaries of or distinguishing the consecrated and unconsecrated parts

A.D. 1891.

of such ground; and every such burial ground shall, from and after the appropriation thereof for purposes of interment, be deemed to be the parochial burial ground of the inhabitants of the district for which it is provided.

Certificate of sanitary authority.

4. A burial ground shall not, after the commencement of this Act, be appropriated for purposes of interment until it has been certified by the sanitary authority having jurisdiction over the whole or the greater part of the district for which such ground is provided as a burial ground to be in a fit and proper condition for the purposes of interment.

Provision as to consecration.

5. Any public burial ground or part of a public burial ground, also any building provided in a public burial ground by a burial authority, may, with the consent of the burial authority, be consecrated according to the rites of the Church of England, or of any other Church or denomination; but it shall not be lawful for a burial authority to pay any fees in respect of consecration.

Provided always, that the consecration of such burial ground or part thereof, whether the same has taken place before or after the commencement of this Act, shall not (save as by this Act provided) confer any right or privilege, or impose any disability or liability, which would not have attached to such burial ground, or such part thereof, if the same had remained unconsecrated; but such burial ground, if provided before the commencement of this Act, shall nevertheless continue to be the public burial ground of the parish or other area for which it was so provided.

Buildings for performance of burial services.

6. A burial authority may, if they think it necessary, but not otherwise, provide a building for the performance of burial services on the occasion of funerals in any public burial ground provided by such authority; and any such building, whether provided before or after the commencement of this Act, and whether consecrated or not, shall be available for all persons officiating at or attending the funeral of any person buried in such burial ground.

Decision of bishop not required.

7. A burial authority shall not be required to submit to the bishop any question relating to the plan of any building, or to the fitness of any tomb, monument, or monumental inscription, in any public burial ground.

Appointment of chaplain.

8. It shall be lawful for a burial authority, if they see fit, but not otherwise, to appoint a chaplain for any burial ground; provided always, that he shall not have the exclusive right to officiate at interments in any part of a cemetery.

Burial of paupers or lunatics in consecrated ground.

9. So much of any Act as relates to the burial of paupers or lunatics in consecrated ground, or as requires or enables any guardians of the poor or other authority to acquire or enlarge, or to contribute to the acquisition or enlargement of, any consecrated burial ground, shall be construed as extending to burials in unconsecrated as well as in consecrated ground, and to the acquisition and appropriation to the purposes of such burials as aforesaid of unconsecrated as well as consecrated ground.

Removal of bodies and prohibition of use of burial ground for other purposes.

10. A body buried in a public burial ground may be removed under license from the Local Government Board, and with the precautions prescribed by the license, but not otherwise; and any person who removes a body buried in a public burial ground without licence from the Local Government Board, or in contravention of the precautions prescribed by such licence, shall, upon summary conviction, be liable to a fine not exceeding *ten pounds*.

It shall not be lawful, without the authority of Parliament, to use for any purpose other than that of burial any part of a burial ground, whether provided by a burial authority or otherwise, if that part has been used for the purpose of burial.

Duty of incumbent in respect of public burial ground.

11. When the burial of any person belonging to any parish or part of a parish comprised in a burial district for which a public burial ground has been provided, either before or after the commencement of this Act, takes place in such public burial ground, the incumbent of such parish shall, if required so to do in writing by the person having the conduct of the burial of such person, be under the same obligation to perform the funeral service over such person as he would be under if such person were buried in the churchyard of the parish; but he shall not, unless required so to do as aforesaid, be entitled to perform any service at, or otherwise interfere in respect of, the funeral of any person buried in such public burial ground.

There shall be paid to any incumbent so performing the funeral service over any person in a public burial ground the same fees (if any) as he would be entitled to if he had performed the funeral service over such person in the churchyard of the parish to which the deceased person belonged.

Saving of existing right to perform duties and receive fees.

12. The right of any minister, incumbent, parish clerk, sexton, or other person holding a parochial office at the commencement of this Act to perform any duties or to receive any fees in respect of any burial in the consecrated part of a public burial ground open for interment before the commencement of this Act, or in respect of

A.D. 1891.

any vault, monument, gravestone, tablet, or monumental inscription in a public burial ground, or for any other purpose in connexion with the use of a public burial ground, and whether by custom or under any local or special Act, or otherwise, shall continue in force so long as any such minister, incumbent, parish clerk, sexton, or other person holds such office as aforesaid, but, subject as aforesaid, and save as is in this Act otherwise provided, the right of any minister, incumbent, parish clerk, sexton, or other person holding a parochial office to perform any duties or to receive any fees in respect of any matters in this section mentioned shall on and after the commencement of this Act absolutely cease.

Alteration by agreement of fees payable on interments in existing burial grounds.

13. A burial authority may agree with any person or persons entitled to receive fees in connexion with the consecrated portion of any public burial ground open for interment before the commencement of this Act to pay to him, or them, other fees, in lieu of those to which he or they had previously been entitled, or to substitute for such fees a fixed annual or other payment, or to pay such amount as may be agreed upon by way of compensation for the relinquishment of the right to receive such fees : provided,

(1.) That where the authority is the burial board of a parish under the Burial Acts, 1852 to 1871, such agreement shall not be entered into without the consent of the vestry of the parish ; and

(2.) That where the person with whom an agreement is entered into in relation to fees is the incumbent of a parish, such agreement shall not be valid without the consent of the bishop.

Part II.

Amendment of the Burial Laws Amendment Act, 1880.

Notice of burials. 43 & 44 Vict. c. 41.

14.—(1.) Section one of the Burial Laws Amendment Act, 1880, shall have effect as if the words "twenty-four" were substituted for "forty-eight;" and section three of the said Act shall have effect as if the word "twelve" were substituted for the words "twenty-four."

(2.) Section three of the said recited Act shall have effect as if the words "between the hour of ten o'clock in the forenoon and "sunset" were substituted for the words "between the hours of "ten o'clock in the forenoon and three o'clock in the afternoon."

(3.) When in accordance with section three of the said Act notice is given of a change in the time at which a burial is to take place, the burial may take place on a Sunday, Good Friday, or Christmas Day.

A.D. 1891.

(4.) Notwithstanding anything contained in the said Act, a burial may, with the consent of the incumbent or officiating minister in charge, take place under the said Act without the notice required by section one of the said Act or before the expiration of the time named in such notice; and on the production of the certificate of a coroner, or of any medical officer of health, that the immediate burial of any body is necessary, the same shall take place without such notice.

(5.) In the case of a burial ground not being a churchyard the notice required by the said Act may be given to or left at the office of the clerk of the burial ground, or such other person as may be authorised to receive the same, and it shall not be necessary to give the notice to any other person.

(6.) When the permission required by law has been given for the interment of a non-parishioner in any churchyard or other burial ground, the provisions of the said Act shall be applicable as in the case of the interment of a parishioner.

(7.) It shall not be lawful for the incumbent of any parish, in assigning grave spaces in the churchyard thereof, to set apart particular portions of such churchyard for burials under the said Act; nor to distinguish in any way the graves of persons buried in accordance with the provisions thereof from other graves in such churchyard; nor shall it be lawful in the case of burials under the said Act to prevent the use of the gateways, entries, or paths commonly used in the case of other burials, and any attempt to prevent such use shall be deemed to be an obstruction under the Act.

(8.) In the case of burials under the said Act it shall not be lawful to refuse or to prevent the tolling of the bell, or the use of any bier, planks, or other appliances belonging to the parish and commonly used at burials in the churchyard thereof, and the sexton and gravedigger shall discharge such duties as are obligatory on them in the case of other burials.

(9.) It shall not be lawful for any public corporate body, whether sole or aggregate, to sell, grant, or otherwise appropriate any glebe or other public land for the purpose of providing either a separate burial place or an addition to a churchyard to be vested in trustees for the burial of persons in accordance with the rites of the Church of England, or of any other religious body, exclusively, but all such land as may be conveyed or used for burial purposes shall be deemed to be for a public burial ground within the meaning of the said Act and of this Act.

A.D. 1891.

Part III.

Repeal of Acts, Definitions, and Miscellaneous.

Repeal of Acts.

15. On and after the commencement of this Act, the several Acts set forth in the schedule hereto shall be repealed to the extent to which such Acts are therein expressed to be repealed.

Provided that the repeal enacted in this Act shall not affect—

(1.) Anything duly done or suffered under any enactment hereby repealed:

(2.) The institution of any legal or other proceeding or remedy for ascertaining, enforcing, or recovering any fees, rights, duties, or privileges by this Act reserved to any person.

Definitions.

16. The expression "public burial ground" means any ground not being a churchyard which is provided for the burial of the dead of any parish or parishes, township or townships, or other areas, and in which the inhabitants of such parishes, townships, or areas have rights of burial, and includes any ground added to a churchyard by a burial authority after the commencement of this Act.

10 & 11 Vict. c. 65.

Where any cemetery to which the Cemeteries Clauses Act, 1847, applies, or any part of such cemetery, is a public burial ground within the meaning of this Act, so much of the said Cemeteries Clauses Act, 1847, and any Act amending the same, and of any Local Act, as is inconsistent with this Act shall not apply to such cemetery in so far as the same is such public burial ground as aforesaid.

The expression "burial authority" means any body of persons, corporate or unincorporate, authorised by or in pursuance of any Act of Parliament to provide or maintain a public burial ground.

The expression "the bishop" means the bishop or archbishop having jurisdiction in the place where the matter arises which requires the exercise of his jurisdiction.

The expression "person belonging to a parish" shall for the purposes of this Act be deemed to include any person who would, if such parish had a churchyard used for interments, be entitled to be buried in such churchyard.

Short title and commencement of Act.

17. This Act may be cited as the Burial Act, 1891, and shall come into operation on the *first day of October one thousand eight hundred and ninety-one*, which day is in this Act referred to as the commencement of this Act.

A.D. 1891.

18. This Act shall, so far as is consistent with the tenor thereof, be construed as one with the Burial Acts, 1852 to 1871, including the Burial Laws Amendment Act, 1880. Construction of Act.

19. This Act shall extend to the Channel Islands, but shall not extend to Scotland or Ireland. Application of Act.

SCHEDULE.

ACTS PARTLY REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 & 8 Vict. c. 101. -	The Poor Law Amendment Act, 1844.	In section thirty-one, the word "consecrated."
13 & 14 Vict. c. 101. -	The Poor Law Amendment Act, 1850.	In section two, the word "consecrated," wherever it occurs in that section.
15 & 16 Vict. c. 85. -	The Burial Act, 1852	Section thirty, from the words "and "to build on any land," inclusive, to the end of that section. Section thirty-two. Section thirty-three, from "but there "shall be payable," inclusive, to the end of that section. Sections thirty-five, thirty-six, thirty-seven. Section thirty-eight, from the words "provided that," inclusive, to the end of that section. Sections thirty-nine and fifty.
16 & 17 Vict. c. 134. -	The Burial Act, 1853	Section seven, from the words "provided always," inclusive, to the end of that section; and so much of the same section as incorporates any enactment in the Burial Act, 1852, which is repealed by this Act. Section eight, from "and in such "register books" to "are buried," inclusive.
17 & 18 Vict. c. 87. -	The Burial Act, 1854	Section ten.

A.D. 1891.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
18 & 19 Vict. c. 79. -	An Act to amend the law regarding the burial of poor persons by guardians and overseers of the poor.	In section one, the words "some "part of which has been consecrated."
18 & 19 Vict. c. 105. -	*An Act the title of which begins with the words* "An "Act to amend" *and ends with the words* "treatment "of lunatics."	Section thirteen.
18 & 19 Vict. c. 128. -	The Burial Act, 1855	Sections ten and fourteen.
20 & 21 Vict. c. 81. -	The Burial Act, 1857	Section three, from "and may," inclusive, to the end of that section. In section five, the words "and "consecrated." In section six, the words "after con- "secration" and from "so consecrated" to "Ireland, and," both inclusive. In section seven the words "consecrated burial ground or the con- "secrated part of any," and from "by the addition," inclusive, to the end of that section. Sections eleven, twelve, and thirteen. Section twenty-five, down to the words "for that purpose," inclusive.
43 & 44 Vict. c. 41. -	Burial Laws Amendment Act, 1880.	Section three, from the words "or in "case of burial" to "day next "following"; and from the words "Provided also" to the end of the section.

Burials.

A

B I L L

To further amend the Burial Laws.

(*Prepared and brought in by*
Mr. Osborne Morgan, Mr. Channing,
Mr. John Ellis. Mr. Illingworth,
and Mr. Morton.)

Ordered, by The House of Commons, *to be Printed*
26 *November* 1890.

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[Bill 43.]

A

B I L L

TO

Promote the development of Canals in the United Kingdom. A.D. 1890.

WHEREAS it is expedient to confer upon certain local authorities power to acquire, construct, enlarge, and manage canals:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Powers to local authorities to apply for Provisional Orders to acquire or construct canals.

1. Any local authority, or two or more local authorities, within the meaning of this Act, who shall be desirous to acquire, construct, enlarge, or manage any canal or canals and other works, lands, or rights, convenient to the use and enjoyment of such canal or canals, shall have power, alone or together, to make application by memorial to the Board of Trade to grant Provisional Orders as herein-after mentioned, and, in case of any such application, all the provisions of the General Pier and Harbour Act, 1861, and of the General Pier and Harbour Act, 1861, Amendment Act, shall apply as if such local authority were "promoters" within the meaning of the said Acts.

Definition of local authorities.

2. A local authority within the meaning of this Act shall mean any municipal corporation, or any county council created under any Act passed, or that shall be passed, in the present or any future session of Parliament, and any body corporate incorporated under section fifteen of the General Pier and Harbour Act, 1861 (and, also any body of commissioners, trustees, or managers), appointed or having powers under any Act of Parliament for the management, maintenance, or acquisition of any harbour, canal, river, or waterway, who shall have obtained the consent in writing of the President of the Board of Trade to their making application under section one of this Act.

Definition of powers to be conferred

3. After such inquiries as the Board of Trade may think expedient, the Board of Trade may approve a Provisional Order,

A.D. 1890.

and every such Order shall be made according to the following provisions:

under Provisional Order.

(*a.*) It shall specify who are to be the undertakers of the enterprise, and may provide (where requisite) for the election or appointment of Commissioners as undertakers of the said enterprise, and may, where requisite, incorporate the undertakers into a body corporate, with an appropriate name, perpetual succession, and a common seal;

(*b.*) It shall confer upon such undertakers powers to acquire, construct, enlarge, manage, or contribute to the acquisition, construction, enlargement, or management of any canal or canals, or other works, lands, or rights convenient to the use and enjoyment of such canal or canals, in all cases specifying definitely the extent of such powers, and to what canal or canals, works, lands, or rights such powers shall apply;

(*c.*) It may empower the undertakers to levy and recover rates at such works, and may provide for the application of moneys accruing from the rates to be levied, and, where requisite, may provide for the due audit of the accounts of receipt and expenditure at such works;

(*d.*) It may empower the undertakers for the purpose of such works to borrow on mortgage or bond, at a maximum rate of interest to be therein specified, upon security of the rates to an extent limited by the Provisional Order, with provisions for the payment of interest and repayment of principal;

(*e.*) It may incorporate by reference the Commissioners Clauses Act, 1847, the Companies Clauses Act, 1845, the Harbour, Docks, Piers Clauses Act, 1847, the Lands Clauses Consolidation Act, 1845, the Lands Clauses Consolidation (Scotland) Act, 1845, or any part of such Acts; the expression the "special Act," used in such incorporated Acts, shall be deemed to apply to such Provisional Order.

Power to local authorities to acquire compulsorily canals in hands of railway companies.

4. In all cases where any canal, or part of a canal, and any lands or works connected therewith, and required for the use and enjoyment of such canal, or part thereof, belong to, are leased by, or are under the control of a railway company, and it is determined by the Board of Trade, after giving such railway company an opportunity of being heard, that it is desirable in the public interest that such railway company should cease to have any interest in such canal, or such part thereof, or such lands or works as aforesaid, then and in all such cases, the said Provisional Order may empower the undertakers specified under the powers of this Act to acquire

compulsorily all the railway companies interest in such canal, part of canal, lands, or works as aforesaid, and in such cases the price to be paid for the same shall be the actual value thereof without any addition for compulsory sale.

Incorporation of provisions of General Pier and Harbour Act, 1861.

5. After the making of any Provisional Order, sections sixteen, seventeen, and nineteen of the General Pier and Harbour Act, 1861, shall apply as if the local authority or local authorities were promoters within the meaning of the said Act.

Power to Public Works Loan Commissioners to advance money to local authorities for canal purposes.

6. It shall be lawful for the Public Works Loans Commissioners, out of the funds for the time being at their disposal, *or provided by Parliament for the purpose,* to advance to any local authority for carrying out the purposes of this Act such sum or sums of money as may be required, subject to such conditions as to security, interest, repayment, or otherwise, as may be sanctioned by the Lords of the Treasury for the time being.

Power to local authorities to pay expenses of application out of general funds.

7. All local authorities shall be entitled to apply or charge any of their general funds or rates for the expenses incidental to applying under this Act, and for the legal expenses and expenses of survey or valuation reasonably incurred in connexion therewith.

Title of Act.

8. This Act shall be called the Local Authorities (Canal) Act, 1891.

Canal Development.

A

BILL

To promote the development of Canals in the United Kingdom.

(*Prepared and brought in by Mr. Philip Stanhope, Mr. Robert Reid, Dr. Hunter, Mr. Brunner, Sir Albert Rollit, Mr. Spencer Balfour, and Lord Francis Hervey.*)

Ordered, by The House of Commons, *to be Printed,* 26 *November* 1890.

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[*Price* ½*d.*]

[Bill 45.]

Cathedral Churches Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Power to dean and chapter to frame statutes.
3. Provisions as to framing of statutes.
4. Commissioners under Act.
5. Regulations as to confirmation of statutes.
6. Laying before Parliament and confirmation of statutes.
7. Saving for existing office holders.
8. Minor corporations.
9. Special provisions as to certain cathedrals.
10. Transfer of canonries between Crown and bishops.
11. Repeal of 3 & 4 Vict. c. 113. s. 44.
12. Saving of power of making statutes.
13. Application of Act.

A

B I L L

TO

Provide for making Statutes respecting Deans and Chapters and Cathedral Churches in England, and for other purposes relating thereto. A.D. 1890.

WHEREAS Commissioners were appointed by Her Majesty under Her Royal Sign Manual on the fourth day of July one thousand eight hundred and seventy-nine, and the thirteenth day of June one thousand eight hundred and eighty, to inquire into the condition of the several cathedral churches in England and Wales, and the cathedral church of Christ Church, in the University of Oxford, and into the duties of the members and ministers thereof, and other matters connected therewith, and whether any further legislation with respect to the same was expedient, and especially whether further power should be granted for revising from time to time the statutes of the several capitular bodies, and otherwise as in the said commission mentioned:

And whereas the said Commissioners (in this Act referred to as the Cathedral Commissioners) have made divers reports in pursuance of such commissions, and the recommendations thereof cannot be carried into effect without the authority of Parliament:

And whereas it is expedient to make such provision as hereinafter mentioned for carrying into effect such recommendations, with or without modifications, and otherwise to make better provision for the government and well-being of the cathedral churches of England:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Cathedrals Act, 1891.

Power to dean and chapter to frame statutes.

2.—(1.) The dean and chapter of any cathedral church in England may from time to time after consultation with the non-residentiary prebendaries or canons, or the honorary canons, as the case may be, frame draft statutes for the regulation of such cathedral

A.D. 1890.

church, and with the consent of their visitor signified under his seal lay the same before the Commissioners acting under this Act, and those Commissioners, if and when they approve such draft statutes, shall signify that approval under their common seal, and submit them for confirmation in manner by this Act provided.

(2.) The Commissioners before approving of any draft statute shall take such steps as shall seem to them necessary for the due local publication of the same, and shall take into consideration any objection or representation respecting it made to them by any person affected by such statute.

Provisions as to framing of statutes.

3.—(1.) The deans and chapters of cathedral churches, in framing draft statutes under this Act, shall take into consideration the reports of the Cathedral Commissioners; but it shall not be required as a condition of receiving the approval of the Commissioners acting under this Act that the draft statutes should be those recommended by the Cathedral Commissioners.

(2.) Any draft statute under this Act may rescind, alter, and add to any then existing statute of the cathedral church to which it relates, whether existing by virtue of any Act of Parliament, letters patent, statute under this Act, or otherwise howsoever, and may contain such incidental provisions as seem necessary or proper for giving full effect thereto.

Commissioners under Act.

4.—(1.) The Commissioners acting under this Act shall be the Ecclesiastical Commissioners for England.

(2.) The costs incurred by the Commissioners in the execution of this Act shall be paid out of their common fund. But nothing in this Act shall be taken to authorise the Commissioners to apply any portion of that fund to or towards the endowment or the increase of the income of any member of any capitular body or any cathedral dignity or officer.

Regulations as to confirmation of statutes.

5.—(1.) Every draft statute approved by the Commissioners acting under this Act shall, within one month after it is approved, be submitted to Her Majesty the Queen in Council, and notice of it having been so submitted shall be published in the London Gazette.

(2.) Any person whose interests are affected by any draft statute may, within three months after notice of the submission of the draft statute has been published, petition the Queen in Council for disallowance of the statute or of any part thereof, and it shall be lawful for the Queen in Council to disallow the statute or any part thereof petitioned against, and thereupon the statute, or that part disallowed, shall be of no effect.

A.D. 1890.

6. Any statute, or such part thereof as is not disallowed by the Queen in Council, shall be laid before both Houses of Parliament.

Laying before Parliament and confirmation of statutes.

If neither House of Parliament, within twelve weeks (exclusive of any period of prorogation) after a statute or part of a statute is laid before it, presents an Address praying the Queen to withhold her assent therefrom, it shall be lawful for the Queen by Order in Council to approve the same, and thereupon the same shall be published in the London Gazette, and shall thereupon become and be effectual in law, and the statute or part of a statute thereby confirmed shall be a statute of the cathedral church therein mentioned.

Saving for existing office holders.

7. A statute under this Act shall not without his consent prejudicially affect the emoluments, privileges, tenure, or position of any person holding at the passing of this Act, or at the time of making such statute, any freehold office, or any office which he holds during good behaviour or otherwise than during pleasure.

Minor corporations.

8. Any statute submitted by the Commissioners acting under this Act respecting any cathedral church may provide for the government and discipline of any corporation of vicars-choral or other like body in connexion with such cathedral church, and may make regulations for the performance of the duties of such corporation or other body or the members thereof, for the appointment of a deputy for any vicar-choral incapacitated by any cause from fulfilling the duties of his office, and allotting to such deputy a part of the official income of such vicar-choral not exceeding two-thirds of the whole amount, subject always to an appeal to the visitor on the part of the said vicar-choral.

Special provisions as to certain cathedrals.

9. A statute submitted by the Commissioners acting under this Act may in the case of the following cathedral churches provide as follows:—

(*a.*) In the case of Saint Asaph may provide for the spiritual charge of the parish of Saint Asaph, and may annex the same to any canonry of Saint Asaph:

(*b.*) In the case of Lichfield may provide for the severance of any ecclesiastical office or prebend and prebendal stall of the cathedral from any particular canonry, corporation, or benefice, and for the appointment of persons to each of the offices or prebends and prebendal stalls so severed:

(*c.*) In the case of Llandaff may provide for the severance of the treasurership and any prebend from the bishopric, and for the appointment of persons to such treasurership and prebend, and

A.D. 1890.

for the annexation of the offices of precentor and chancellor and of the vicarage of Llandaff to the deanery or any canonry of Llandaff:

(*d.*) In the case of Wells may provide for redistributing the income of the canons with the object of securing to those canons who hold the offices of precentor and chancellor larger payments than those received by other canons.

A statute made under this section shall be deemed to repeal any enactment contained in an Act of Parliament so far as such enactment is inconsistent therewith.

Transfer of canonries between Crown and bishops.

10. The Ecclesiastical Commissioners may, if authorised so to do by Her Majesty as signified by the Lord High Chancellor or the Commissioners of Her Majesty's Treasury, from time to time prepare and lay before Her Majesty in Council a scheme or schemes for the transfer to Her Majesty the Queen of the patronage of certain canonries in cathedral churches vested in the archbishop or bishop of the diocese, and for the transfer to the archbishop or bishop of any other diocese of the patronage of any canonry in the cathedral church of such diocese vested in the Queen, with the object of securing to the latter archbishop or bishop the patronage of at least one of the canonries in the cathedral church of his diocese, and any such scheme, when approved and ratified by Order of Her Majesty in Council, shall be published in the London Gazette, and shall thereupon become and be valid and effectual in law: Provided always, that in no cathedral church shall the patronage of more than one canonry be transferred from the bishop to Her Majesty the Queen: Provided also that no scheme or order under this section shall, without his consent, affect the rights of patronage belonging to any archbishop or bishop at the date of the passing of this Act, and no such scheme or order shall affect the patronage of any canonry which is attached to any particular diocesan office.

Repeal of 3 & 4 Vict. c. 113. s. 44.

11. Section forty-four of the Act of the third and fourth years of the reign of Her present Majesty, chapter one hundred and thirteen, intituled "An Act to carry into effect with certain "modifications the fourth report of the Commissioners of Eccle-"siastical Duties and Revenues," is hereby repealed without prejudice to anything already done in pursuance thereof.

Saving of power of making statutes.

12. Nothing in this Act contained shall deprive the bishop, dean and chapter of a cathedral church of any power which they may at present possess of lawfully making statutes.

A.D. 1890.

Application of Act.

13.—(1.) This Act shall apply to the cathedral of Christ Church in Oxford, but no statute under this Act shall alter any statute made under any Act relating to the University of Oxford or a college thereof.

13 & 14 Vict. c. 41.

(2.) A statute under this Act shall not vary or supersede any provision of the Parish of Manchester Division Act, 1850.

Cathedral Churches.

A

B I L L

To provide for making Statutes respecting Deans and Chapters and Cathedral Churches in England, and for other purposes relating thereto.

(*Prepared and brought in by Sir C. Dalrymple, Sir Matthew White Ridley, Mr. Charles Acland, and Mr. MacInnes.*)

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[*Price* 1*d.*]

[Bill 53.]

Charitable Trusts Bill.

MEMORANDUM.

The main object of this Bill is to give effect to the recommendations of the Select Committee of 1884 on the Charitable Trusts Acts, by extending the jurisdiction of the Charity Commissioners to charities with an income of more than 50*l.*; by providing for greater publicity and a more direct recognition of the wishes of representative local bodies in regard to charity schemes; and by applying the machinery of the Endowed Schools Acts to the case of those schemes which now have to go through the cumbrous process of confirmation by Act of Parliament.

The Bill, however, proposes that the more important schemes settled by the Charity Commissioners under their extended powers should be submitted to Parliamentary sanction, and that the largest charities of all should continue, as heretofore, exempt.

Charitable Trusts Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title and construction.
2. Extension of jurisdiction under 23 & 24 Vict. c. 136. s. 2.
3. Submission of certain schemes to Parliament.
4. Provisions as to local charities.
5. Public inquiry as to schemes.
6. Approval of schemes certified by Charity Commissioners under 16 & 17 Vict. c. 137. ss. 54–60.
7. Act of Parliament relating to charity to be alterable as provision of founder.

[Bill 129.] A

A

B I L L

TO

Amend the Law relating to Charitable Trusts. A.D. 1890.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction. 16 & 17 Vict. c. 137. 18 & 19 Vict. c. 124. 23 & 24 Vict. c. 136. 25 & 26 Vict. c. 112. 32 & 33 Vict. c. 110. 50 & 51 Vict. c. 49.

1. This Act may be cited as the Charitable Trusts Act, 1891, and shall be construed as one with the Charitable Trusts Acts, 1853 to 1887, and those Acts and this Act may be cited together as the Charitable Trusts Acts, 1853 to 1891.

Extension of jurisdiction under 23 & 24 Vict. c. 136. s. 2.

2. Notwithstanding anything contained in section four of the Charitable Trusts Act, 1860, the Charity Commissioners for England and Wales (in this Act referred to as "the Board") may make orders under section two of that Act, in the case of all charities the gross annual income of which does not exceed *one thousand pounds*, upon the application of the Attorney-General, or of any person or persons referred to in the said section two as authorised to apply to the Board for orders, in the same manner as they have power to make orders under the said section two in the case of a charity the gross annual income of which does not exceed *fifty pounds*: Provided that—

(*a*) where the Board propose to make any such order establishing a scheme for the administration of a charity the gross annual income of which exceeds *five hundred pounds*, the trustees or persons acting in the administration of the charity, or a majority of them, or the council of any county or borough specially interested in the charity, may at any time before the order is made make an application in writing to the Board requesting that the scheme may be submitted to Parliament, and thereupon the order shall not be made until the scheme has been submitted to and sanctioned by Parliament as provided by this Act; and

A.D. 1890.

(*b*) nothing in this section shall extend the power of the Board to make any order establishing a scheme in respect of any property of a charity the income of which is exclusively applicable to the promotion or maintenance of the public worship of any church or religious body, or of any charity of the gross average annual income of which during the *three years* next before the date of such scheme more than *one half* was derived from voluntary subscriptions.

Submission of certain schemes to Parliament.

3.—(1.) Where, in pursuance of the foregoing provisions of this Act, a scheme is required to be submitted to Parliament, a copy of the scheme shall be laid upon the table of both Houses of Parliament, and, if before it has so lain for two months during the same session either House passes a resolution to the effect that the scheme ought not to be sanctioned by Parliament, the Board shall not make an order establishing the scheme, but, if no such resolution is passed, the scheme shall be deemed to have been sanctioned by Parliament.

(2.) The passing of any such resolution shall not prejudice the making of another scheme in relation to the same matter.

(3.) If a scheme so submitted to Parliament is referred to a standing or other committee of either House of Parliament for consideration, and that committee before the expiration of the said two months recommend that the scheme should not be sanctioned by Parliament except subject to certain modifications, the Board may modify the scheme accordingly and submit it as modified to Parliament, and thereupon the foregoing provisions of this section shall apply as respects the modified scheme, with the substitution of one month for two months, as the period during which it is required to lie before Parliament.

Provisions as to local charities.

4.—(1.) Any jurisdiction or power, which in pursuance of section forty-three of the Charitable Trusts Act, 1853, or section two of the Charitable Trusts Act, 1860, as amended by this Act, is exerciseable with respect to any charity by any court or judge or by the Board on the application of two or more inhabitants of a parish or place within which the charity is administered or applicable, shall be exerciseable also on the application of the council of any county or borough in which such parish or place is wholly or partly situate, and an application by any such council shall be subject to the like provisions to which an application by two or more inhabitants is subject.

(2.) Where the Board propose to make an order establishing a scheme for the administration of a charity which is of a local

character, they shall, in addition to the public notice required to be given under section six of the Charitable Trusts Act, 1860, send to the clerk of the council of every county, and to the town clerk of every borough, in which the charity is specially applicable, a copy of the scheme proposed to be embodied in the order; and before making the order the Board shall take into consideration any representation relating thereto made to them in writing by any such council within one month after the first meeting of the council held after receipt of the copy of the scheme.

(3.) The Board, in any scheme to be established by any order made by them for the administration of a charity of a local character, shall, whether the council of any county or borough has made a representation to them respecting the scheme or not, provide that the trustees or body of persons acting in the administration of the charity may be so constituted as to ensure due representation being given to the interests of any locality, all or any of the inhabitants of which are specially interested in the charity.

Public inquiry as to schemes.

5. Before making an order establishing a scheme for the administration of any charity, the Board, if application in that behalf is made to them in writing by the trustees or persons acting in the administration of the charity or a majority of them, or by the council of any county or borough specially interested in the charity, shall, unless satisfied that it is unnecessary and inexpedient so to do, cause a public inquiry to be held concerning the charity and the administration thereof.

Approval of schemes certified by Charity Commissioners under 16 & 17 Vict. c. 137. ss. 54–6C.

6. A scheme, approved and certified by the Board in pursuance of the Charitable Trusts Act, 1853, may be submitted to a Secretary of State, and all the provisions of the Endowed Schools Acts, 1869 and 1873, with respect to the subsequent proceedings to be taken with reference to a scheme submitted to the Education Department under those Acts, shall apply to a scheme submitted to a Secretary of State in pursuance of this section, in like manner as if those provisions were herein re-enacted with the substitution of a Secretary of State for the Education Department, and extended to all endowments for any charitable purpose; and any such scheme, when approved by Her Majesty in Council in pursuance of the said provisions, shall have effect accordingly: Provided that—

(*a*) the foregoing provisions of this section shall not apply to a scheme which deals with any property originally given to charitable uses less than *fifty years* before the date of the approval or certifying of the scheme, except on the application of the trustees or persons acting in the administration of the

A.D. 1890.

charity, or a majority of them, made in the manner prescribed in section four of the Charitable Trusts Act, 1860, as amended by section five of the Charitable Trusts Act, 1869; and

(*b*) the right to petition Her Majesty in Council, granted by section thirty-nine of the Endowed Schools Act, 1869, to any person or body corporate directly affected by any such scheme, may be exercised either on such (if any) of the grounds of appeal mentioned in that Act as may be applicable to the case, or on the ground that such scheme is prejudicial to any right, estate, or interest to which the petitioner was by law entitled for his own benefit on any terms of tenure not determinable at their will and pleasure by the governing body of the charity, or on the ground that such scheme or any part thereof is contrary to any law or statute which the Board is not by this Act or otherwise empowered to alter.

Act of Parliament relating to charity to be alterable as provision of founder.

7. Any provisions relating to a charity contained in any Act of Parliament establishing a scheme approved and certified by the Board under section fifty-four and the following sections of the Charitable Trusts Act, 1853, or in any Act of Parliament other than a public general Act, may be from time to time amended or altered by a scheme of the High Court of Justice, or of the Board in the exercise of its ordinary jurisdiction, as effectually as if the trust created by and the provisions contained in such Act had been established by the founder in the case of a charity having a founder.

Charitable Trusts.

A

B I L L

To amend the Law relating to Charitable Trusts.

(*Prepared and brought in by Mr. Rathbone, Sir J. Kennaway, Mr. Thomas Ellis, Mr. Cozens Hardy, Mr. Richard Power, Mr. Howorth, and Mr. Bryce.*)

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[*Price* 1½*d.*]

[Bill 129.]

Charities (Recovery) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Interpretation.
3. Power for Board to sue for the recovery of property belonging to charities.
4. Mode of procedure by Board.
5. Special remedies given to Board.
6. Rules.
7. Extent of Act.

A

B I L L

TO

Facilitate the Recovery of Rentcharges and other Payments owing to Charities. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act, so far as is consistent with the tenor thereof, shall be construed together with the Charitable Trusts Acts, 1853 to 1869, and those Acts and this Act may be cited together as the Charitable Trusts Acts, 1853 to 1891, and this Act may be cited as the Charitable Trusts (Recovery) Act, 1891.

Interpretation.

2. In this Act, unless the context requires otherwise,—

The expression "the Board" means the Charity Commissioners for England and Wales:

The expression "prescribed" means prescribed by rules made under the provisions of this Act. *See* sect. 8.

Power for Board to sue for the recovery of property belonging to charities.

3. Where it appears to the Board that any action, petition, or other proceeding should be instituted for the recovery of any property, the gross annual income of which does not, in the opinion of the Board, exceed *twenty pounds* a year, and which appears to the Board to belong to a charity, the Board may itself, with the sanction of the Attorney General, institute such proceeding on behalf of the charity; and the expenses of the Board of and incidental to such action, petition, or proceeding shall be paid in like manner as if they were costs of the Attorney General in a charity matter.

Mode of procedure by Board.

4.—(1.) When the Board is authorised to make any application to or appear in any court, or to institute any action, petition, or other proceeding, such application or appearance may be made, and such action, petition, or proceeding may be instituted, in the name

A.D. 1891.

of the Charity Commissioners for England and Wales, and not in the names of the persons who are the Commissioners.

(2.) Any action, petition, application, appearance, or other proceeding instituted or made by the Board shall not abate or become defective by reason of any change in the persons who are the Commissioners, but the Commissioners for the time being shall be deemed to be parties thereto.

(3.) For the purposes of any such action, petition, application, appearance, or other proceeding, any document may be served on the Board by being addressed to the Board and delivered at or sent by post to the office of the Board, or by being served on the Secretary to the Board.

(4.) Any application by the Board to the High Court in pursuance of this Act may be made in manner for the time being directed by rules of court.

Special remedies given to Board.

5. For the purposes of any action, petition, or proceeding instituted by the Board under this Act the following provisions shall have effect:—

Old reports of Charity Commissioners to be evidence. 58 Geo. 3. c. 91.

(1.) The printed reports of the Charity Commissioners appointed under an Act passed in the fifty-eighth year of the reign of His Majesty George the Third, and intituled "An Act for "appointing Commissioners to inquire concerning charities "in England for the education of the poor," and under other Acts for inquiring into charities, shall be admissible as evidence of the documents and facts therein stated; provided that either party intending to use any such report as evidence shall give notice of such intention in the prescribed manner to the other party:

Payment for twelve years to be presumptive evidence.

(2.) Where any yearly or other periodical payment has been made in respect of any land, to or for the benefit of any charity or charitable purpose, for *twelve years*, such payment shall be deemed, subject to any evidence which may be given to the contrary, primâ facie evidence of the perpetual liability of such land to such yearly or other periodical payment, and no proof of the origin of such payment shall be necessary.

Rules.

6. Rules for practice and procedure under this Act, including fees and costs, whether in the Supreme Court of Judicature or in the county court, may from time to time be made by the authority and in the manner by and in which rules may be made for regulating the practice and procedure in such Supreme Court or county court, as the case may be.

Extent of Act.

7. This Act shall not extend to Scotland or Ireland.

Charities (Recovery).

A

B I L L

To facilitate the Recovery of Rent-charges and other Payments owing to Charities.

(*Prepared and brought in by Sir Walter Foster, Mr. James William Lowther, Sir Richard Paget, Mr. Whitbread, and Mr. Seale-Hayne.*)

Ordered, by The House of Commons, *to be Printed,* 13 *March* 1891.

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HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* 1*d.*]

[Bill 247.]

A

B I L L

INTITULED

An Act to amend the Law relating to Chartered Accountants. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Chartered Accountants Act, 1891.

Penalty on unauthorised persons using the title of chartered accountants, &c.

2. From and after the thirty-first day of December one thousand eight hundred and ninety-one it shall not be lawful for any person, who is not a member of an institute or society of accountants incorporated by Royal Charter, to take or use the name of chartered accountant or any name, title, addition, or description by means of initials or letters placed after his name, or otherwise stating or implying that he is a fellow, member, or associate of such an institute or society.

Any person acting in contravention of this section shall be liable to a penalty not exceeding twenty pounds.

Obligation to add local designation in certain cases.

3. Any member of any such institute or society as aforesaid who takes or uses any such name, title, addition, or description as aforesaid in the course of business carried on by him beyond the limits of that part of the United Kingdom to which the Royal Charter of such institute or society applies—that is, to say, in the case of the English and Welsh institute or society beyond the limits of England and Wales, in the case of the Scotch institutes or societies beyond the limits of Scotland, and in the case of the Irish institute or society beyond the limits of Ireland—shall further add to such name, title, addition, or description the name or reference to the name of that part of the United Kingdom to which the charter of the institute or society of which he is a fellow, member, or associate applies.

[Bill 431.]

A.D. 1891.

Any person acting in contravention of this section shall be liable to a penalty not exceeding five pounds.

Penalty on society using title of chartered without authority.

4. From and after the thirty-first day of December one thousand eight hundred and ninety-one it shall not be lawful for any institute or society of accountants which is not incorporated by Royal Charter to take or use the title or description of "chartered" or any other title, addition, or description stating or implying that such institute or society is incorporated by Royal Charter.

If any institute or society acts in contravention of this section it shall be liable to a penalty not exceeding fifty pounds.

Prosecution of offences and recovery of penalties.

5. All offences and penalties under this Act may be prosecuted and recovered in England, Scotland, and Ireland respectively in manner provided by the Summary Jurisdiction Acts in force in those respective parts of the United Kingdom.

Restrictions on prosecutions.

6. A prosecution under this Act may be instituted by the council or other the governing body of any institute or society of accountants incorporated by Royal Charter within the British Islands, but shall not be instituted by a private person without the written consent of the council or governing body of some institute or society incorporated as aforesaid.

Chartered Accountants.

[H.L.]

A

BILL

INTITULED

An Act to amend the Law relating to Chartered Accountants.

(*Brought from the Lords* 23 *July* 1891.)

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[Bill 431.]

Cheap Trains (London) Bill.

MEMORANDUM.

The object of this Bill is to remove some of the difficulties in housing the working classes by making provision for cheaper means of communication between London and its outer suburbs.

The Legislature by the Cheap Trains Act, 1883 (46 & 47 Vict. c. 34.), requires railway companies to provide proper and sufficient workmen's trains at such fares and at such times between six p.m. and eight a.m. as may appear to the Board of Trade to be reasonable.

This Bill is confined to companies having a terminus in London, and its object is to fix for passengers by all workmen's trains arriving at the terminus before eight a.m., from any station within twelve miles of the terminus, a maximum return fare of one half-penny per mile of the distance between the station and the terminus.

It appears from the Board of Trade return to Parliament (1890 [C.—6039], p. 7) that the Great Eastern Company carry workmen to and from Liverpool Street and Enfield, nearly twenty-two miles, for twopence.

The Midland Company issue third-class season tickets to and from St. Pancras and Elstree, twenty-four miles, at two pounds six shillings for three months, which is just about sixpence per day.

A.D. 1890.

sequences as the certificate of the Commissioners mentioned in section three of the Cheap Trains Act, 1883.

A company on whom an order is made by the Board of Trade under this section may, within six months after the making of the order, appeal to the Railway and Canal Commission, who shall have the same power in the matter as if it had been originally referred to their decision.

The Board of Trade or the Railway and Canal Commission, as the case may be, may rescind or vary any order made by them under this section.

Cheap Trains (London).

A

B I L L

To make better provision, as respects the Administrative County of London, for Cheap Workmen's Trains.

(*Prepared and brought in by Mr. Theobald, Mr. Blundell Maple, Sir Algernon Borthwick, Sir Robert Fowler, Sir Roper Lethbridge, Mr. Baumann, Mr. Gainsford Bruce, Mr. Boulnois, Mr. Howard, Mr. Lafone, and Sir Albert Rollit.*)

Ordered, by The House of Commons, *to be Printed,* 26 *November* 1890.

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[*Price* 1*d.*]

[Bill 65.]

Child Life Insurance Registration (Scotland) Bill.

MEMORANDUM.

The object of this Bill is to impose a check on the abuse of child life insurance.

The Bill provides for the compulsory registration of each child life insurance and of every claim in respect of such insurance. The registration is to be made by the insurance company with the registrar under the Births, Deaths, and Marriages Act, in the district where the insurance is effected, and is to be accompanied by a formal signed statement by the insurance company or their agent. The register is to be open to public inspection. Claims are to be registered with the same registrar with whom the insurance was registered. The expenses are to be provided by a duty of 1*d.* on each registration form issued, and by a deduction of 3*d.* per £ from each sum paid in respect of claims.

A

BILL

FOR

The Registration of Insurances on the Lives of Children in Scotland. A.D. 1891.

WHEREAS it is expedient to make provision for the registration of insurances on the lives of children in Scotland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Insurances to be registered.

1. Every insurer with whom an insurance on the life of any child has been effected shall, within one week from the date of the insurance being effected, lodge with the registrar full information as to such insurance, in the form of Schedule A. hereto annexed. An insurance shall be held to be effected within the meaning of this section whenever the insurer has become bound to pay any money in the event of the death of a child, whether any policy of assurance has been issued or not.

Forms. Application of moneys.

2. The forms of Schedule A. shall be procurable only from the registrar, who shall supply them on payment of *one penny* for each form. All sums received by the registrar by virtue of this Act shall be dealt with by him in the same way as the moneys received by him under the Act seventeenth and eighteenth Victoria, chapter eighty.

Registration books.

3. The registrar shall enter the information so received in duplicate books prepared for the purpose, which shall be kept as nearly as may be in the form and manner of the books for the registration of births, deaths, and marriages under the Act seventeenth and eighteenth Victoria, chapter eighty, and shall be transmitted periodically to the Registrar-General, and the whole process of registration shall be under the supervision of the Registrar-General and inspectors under the said Act.

A.D. 1891.

Claims to be registered.

4. After this Act has come into operation every claim in respect of the insurance of the life of any child shall, within one week of its being made, be intimated by the insurer to the registrar, who shall in the case of claims in respect of insurances effected after this Act came into operation, enter the same in the register opposite the entry of the insurance; and in the case of claims in respect of insurances effected before the coming into operation of this Act, he shall enter the same in a separate register book. The notice of claim shall be in the form of Schedule B. hereto annexed as nearly as may be, and the doquet appended thereto shall be signed by a duly qualified medical practitioner. The registrar shall, on demand, supply to insurers the forms of Schedule B. free of charge, but it shall not be essential that the notice of claim be on forms so supplied.

Deduction from claims.

5. Every insurer shall, before making payment of any claim in respect of insurance of the life of any child, deduct therefrom *three pence* for each complete pound paid under such claim, and pay the said deduction in full to the registrar.

Stationery, books, &c. to be provided.

6. Upon the application of the Registrar-General, there shall be furnished to him from time to time, from Her Majesty's Stationery Office, all such stationery, books, certificates, schedules, and forms as shall be necessary in the execution of this Act, *and the whole expenses to be incurred by the Registrar-General shall be defrayed in the manner provided by the said Act, seventeenth and eighteenth Victoria, chapter eighty.*

Registrar-General to frame forms and regulations.

7. The Registrar-General, in carrying out the provisions of this Act, is hereby empowered and directed to frame such forms and regulations as he may deem requisite for carrying this Act into full effect, and by the date of the commencement of the Act to transmit to the various registrars the books, certificates, schedules, and forms to be used by them in carrying out the Act.

Return to be made of information as to insurances.

8. Along with the general abstract of births, deaths, and marriages registered during the year, which by the said Act seventeenth and eighteenth Victoria, chapter eighty, the Registrar-General is required once in each year to transmit to Her Majesty's Principal Secretary of State for the Home Department, he shall, from and after the commencement of this Act, include a return summarising the information contained in the schedules and notices of claim received by virtue of this Act during the year, and giving such information as the said Secretary of State may from time to time desire.

Registrars to be subject to control of Registrar-General.

9. In all matters relating to the execution of this Act the respective registrars shall be subject to the supervision and control of the Registrar-General and the inspectors under him, in the same way and manner as such registrars are subject to supervision and control under the Acts in force relating to the registration of births, deaths, and marriages in Scotland, and the Registrar-General and inspectors are hereby empowered and required to exercise such supervision and control.

Penalties.

10. In the event of any insurer failing duly to intimate, as required by this Act, any insurance effected on the life of a child, or any claim made in respect of any insurance effected on the life of a child, he shall be liable in a penalty not exceeding *five pounds* for each offence. In the event of the information supplied in a schedule intimating an insurance, or in a notice of claim, being in the knowledge of the insurer in any particular untrue, the insurer, or, in case the insurer be a company, the manager or other official signing the schedule or notice of claim shall be liable to the same punishment as is provided in the case of false and fraudulent information being supplied to registrars under the recited Act for the registration of births, deaths, and marriages.

Recovery of penalties.

11. All penalties imposed by this Act may be recovered by summary complaint before the sheriff of the county within which the registrar's office where the registration ought to have been made is situated, at the instance of the procurator fiscal of such county.

Court in which penalties may be recovered.

12. It shall be competent to raise proceedings for recovery of penalties incurred at any time during which the person or company proceeded against is in default, and the sheriff by whom any penalty is found due shall award the same to be paid to the registrar with whom the registration should have been made to be dealt with by him in the same way as fees received by him under this Act.

Registrar to register insurances and claims, although not intimated.

13. It shall be the duty of the registrar, notwithstanding of the failure of the insurer to intimate an insurance or notice of claim, to register the same when the same is tendered, or when the information in any way comes to his knowledge, but he shall mark in the register that the same has been received late, and registration by the registrar without notice shall not prejudice the right or affect the duty of the procurator fiscal to recover penalties as above provided.

A.D. 1891.

Registers to be public.

14. The register shall be open at all reasonable times for inspection, and the registrar shall be obliged to give a copy, certified under his hand, of each entry therein, on payment of a fee of *one shilling* for each search, and *sixpence* for each certificate.

Saving.

15. The provisions of this Act shall not apply to any insurance effected previously to the coming in force of this Act, except in so far as concerns the registration of the form prescribed in Schedule B. to this Act, nor shall they apply to the insurance of the life of any child in whose life the person insuring has and can show an insurable interest.

Interpretation.

16. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say) :—

The expression "insurer" shall include society, company, persons, or person :

The expression "child" shall mean any person, male or female, not exceeding fourteen years of age if a boy, or sixteen years of age if a girl :

The expression "registrar" shall mean the registrar for the time being under the Acts for the registration of births, deaths, and marriages in Scotland for the district within which the parents or parent, or in the event of the parents being dead, the guardian of the child insured resides at the time the insurance is effected :

The expression "Registrar-General" shall mean the Registrar-General of Births, Deaths, and Marriages in Scotland under the said Acts for the registration of births, deaths, and marriages in Scotland :

The word "sheriff" includes sheriff substitute :

The expression "medical practitioner" shall mean any person registered as a practitioner in medicine or surgery, pursuant to the Act twenty-first and twenty-second Victoria, chapter ninety:

"Summary complaint" means summary proceedings under the Summary Jurisdiction (Scotland) Acts.

Commencement and short title.

17. This Act shall come into operation on the *first day of October, one thousand eight hundred and ninety-one,* and may be cited as the Child Life Insurance (Scotland) Act, 1891.

Extent of Act.

18. This Act shall apply to Scotland only.

SCHEDULES referred to by this Act.

SCHEDULE (A.)

An insurance was effected on [*state date*] on the life of the child mentioned in the subjoined schedule with [*here mention the name of the insurer or company or society insuring the life*]. The particulars contained below are true to the best of my knowledge and belief.

[To be signed by the insurer. In the case of a society or a company it will be signed by the manager or other principal officer or agent of the same on its behalf.]

1. What are the names and addresses of the parents or guardians of the child insured; and where is the child living?	
2. To whom is the money payable in the event of the child's death?	
3. What is the full name, age, and sex of the child?	
4. What is the parish of nativity of the child and date of its birth?	
5. Was the child born in lawful wedlock?	
6. Was the child seen by the insurer or his officer, and was it apparently in good health and well nourished at the time of insurance?	
7. State the names, ages, and sexes of any brothers and sisters, or half-brothers and sisters of the child, whether dead or alive, and are or were their lives insured?	
8. Is the child insured with any other society or company, and, if so, where and to what extent?	
9. Date of insurance?	

[*To be signed here again as above.*]

[*Place and date.*]

A.D. 1891.

SCHEDULE (B.)

A claim has been made on this insurer for payment of £ in respect of insurance on the life of [*name of child*], which insurance was effected on [*give date of insurance*]. The child died at on as stated in the medical certificate appended.

[*To be signed as above.*]

[*Place and date.*]

MEDICAL CERTIFICATE.

I, *A.B.*, a qualified medical practitioner, do hereby certify that [I attended on the child (*name*), during its last illness and] [*or* I have made inquiries and satisfied myself that no medical man attended the child (*name*) in its last illness and that it] died on (*date*) and the cause of death was

[*To be signed by medical attendant.*]

[*Place and date.*]

Child Life Insurance Registration (Scotland).

A

B I L L

For the Registration of Insurances on the Lives of Children in Scotland.

(Prepared and brought in by Mr. Parker Smith, Mr. James Campbell, Mr. Walter M'Laren, Colonel Malcolm, Mr. Charles Parker, Mr. Thorburn, and Mr. John Wilson (Lanark)).

Ordered, by The House of Commons, *to be Printed,* 17 *February* 1891.

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[*Price* 1*d.*]

[Bill 219.]

A

B I L L

TO

Repeal the provisions of the Church Building Acts relating to the compulsory purchase of Sites for Churches and Burial Grounds. A.D. 1890.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of compulsory powers of acquisition under Church Building Acts.

1. From and after the *passing of this Act* the powers and provisions of the Act of the fifty-eighth year of the reign of His Majesty King George the Third, intituled "An Act for building "and promoting the building of churches in populous places," and of the several Acts amending the same, which authorise the acquisition, otherwise than by agreement, of lands, tenements, and hereditaments, as sites for new or additional churches and chapels, and for enlarging, improving, or re-building existing churches and chapels, and making and enlarging church or chapel yards, burial grounds, and cemeteries, and for providing accesses and approaches thereto respectively, and which are specified in the schedule to this Act annexed, are hereby repealed, so far as regards any such acquisition otherwise than by agreement, but without prejudice to anything done under such Acts or any of them previous to the passing of this Act.

Act not to prevent making any gift, &c.

2. Nothing herein contained shall be deemed or operate so as to prevent any body or person, whether under disability or not, if willing so to do, from making any gift, contract, sale, conveyance, or assurance, or giving any receipt which such body or person might have made or given under or by virtue of the said Acts or any of them, if this Act had not been passed.

Short title.

3. This Act may be cited as the Church Sites (Compulsory Powers Repeal) Act, 1891.

[Bill 130.]

A.D. 1890.

SCHEDULE.

Session and Chapter.	Title.	Sections.
58 Geo. 3. c. 45 -	An Act for building and promoting the building of additional churches in populous parishes.	Sections forty, forty-one, forty-two, forty-three, forty-seven, fifty, fifty-five, fifty-six.
59 Geo. 3. c. 134 -	An Act to amend and render more effectual an Act passed in the last Session of Parliament for building and promoting the building of additional churches in populous parishes.	Section thirty-seven.
3 Geo. 4. c. 72 -	An Act to amend and render more effectual two Acts passed in the fifty-eighth and fifty-ninth years of His late Majesty for building and promoting the building of additional churches in populous parishes.	Sections eight and thirty-two.
1 & 2 Will. 4. c. 38 -	An Act to amend and render more effectual an Act passed in the seventh and eighth years of the reign of His late Majesty, intituled "An Act to amend "the Acts for building and "promoting the building of "additional churches in popu-"lous parishes."	Sections seventeen and eighteen.

Church Building Acts (Compulsory Powers Repeal).

A

B I L L

To repeal the provisions of the Church Building Acts relating to the compulsory purchase of Sites for Churches and Burial Grounds.

(Prepared and brought in by Mr. Powell, Mr. Talbot, Mr. Tomlinson, and Mr. Addison.)

Ordered, by The House of Commons, *to be Printed*, 28 *November* 1890.

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[*Price* ½*d.*]

[Bill 130.]

Clergy Discipline (Immorality) Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.
1. Short title.

Conviction by Temporal Court.

2. Vacating of benefice of clergyman on conviction for treason, felony, or grave misdemeanours.
3. Effect of conviction of clergyman for other offences.
4. Date after which conviction conclusive.

Proceedings against Clergyman for Immorality.

5. Complaint against clergyman for immorality.
6. Procedure on complaint.
7. Constitution of consistory court on trial.
8. Assessors.
9. Trial by provincial court.
10. Substitutes for chancellor in certain cases.
11. Appeals on question of law or fact.
12. Limitation of prosecutions.

Sentences.

13. Sentences of ecclesiastical courts under Act.
14. Temporary inhibition by bishop.
15. Punishment of disobedience to sentence.
16. Incapacity for subsequent preferment.
17. Deposition after deprivation.
18. Proceeding where clergyman acts in contempt of inhibition or sentence.

Supplemental as to Procedure.

19. Rule as to costs.
20. Failure to find defendant.
21. Restrictions on technical objections and invalidity from defects in form or irregularity.

Rules of Court.

Clause.

22. Power of Her Majesty in Council to make rules of court.

Definitions and Application of Act.

23. Jurisdiction of "bishop."

24. Application of Act to clergyman unbeneficed or serving abroad or holding several ecclesiastical preferments.

25. Definition and place of sitting of consistory court and provincial court and archdeaconry.

26. Definitions. "Ecclesiastical preferment." "Clergyman." "Member of a cathedral church." "Institution." "Chancellor." "Judicial appointment." "County." "Prescribed."

Saving and Repeal.

27. Exclusion of question of doctrine or ritual.

28. Savings for the Royal prerogative, and personal episcopal powers, but exclusion of other proceedings in court.

29. Saving for Channel Islands and Isle of Man.

30. Commencement of Act.

31. Repeal.

A

B I L L

INTITULED

An Act for better enforcing Discipline in the Case of Crimes and other Offences against Morality committed by Clergymen. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited as the Clergy Discipline Act, 1891. Short title.

Conviction by Temporal Court.

2.—(1.) If a clergyman is convicted of treason or felony, or is convicted on indictment of a misdemeanour, and on any such conviction is sentenced to death or penal servitude, or to imprisonment with hard labour, then after the date at which the conviction becomes conclusive for the purposes of this Act, the following consequence shall ensue, that is to say, the ecclesiastical preferment held by such clergyman shall become vacant. Vacating of benefice of clergyman on conviction for treason, felony, or grave misdemeanours.

Provided that if he receives a free pardon from the Crown before the institution of another clergyman to such ecclesiastical preferment, he shall continue to hold the preferment as if it had never been vacated.

(2.) The same consequence shall also ensue after the like date if a bastardy order under the enactments for the time being relating to bastardy is made on a clergyman, and is either not appealed from or on appeal is confirmed, or if a clergyman is found by the verdict of a jury or decision of a court sitting without a jury on an issue in a divorce or matrimonial cause to have committed adultery.

A.D. 1891.

Effect of conviction of clergyman for other offences.

3. Where a clergyman has been convicted by a temporal court, whether by a jury or by any justices, of committing an act which is alleged to be an ecclesiastical offence, and his ecclesiastical preferment is not ipso facto vacated by this Act, a certificate of such conviction shall, after it becomes conclusive for the purposes of this Act, be conclusive proof in an ecclesiastical court that he committed the said act, unless it is a summary conviction which cannot be appealed against, but the court, including the bishop if passing summary sentence, shall before passing sentence apply to the temporal court for a copy of the depositions or notes of evidence, and the temporal court on such application shall supply copies of any depositions, or notes of evidence, which exist.

Date after which conviction conclusive.

4.—(1.) Any conviction order or finding shall become conclusive for the purposes of this Act upon the following dates, that is to say, where there has been any appeal (whether by case reserved, special case, motion for new trial, writ of error, appeal or otherwise) shall be conclusive upon the date at which the appeal has been dismissed or abandoned, or at which the proceedings have otherwise been finally concluded, and if there has been no appeal, shall be conclusive upon the expiration of the time limited for such appeal, or the expiration of two months from the time of the conviction order or finding where no such time is limited.

(2.) In the event of an appeal on which judgment is pronounced any conviction, order, or finding shall be conclusive for the purposes of this Act only if and so far as such conviction, order, or finding is confirmed by such judgment.

Proceedings against Clergyman for Immorality.

Complaint against clergyman for immorality.

5.—(1.) Where a clergyman is alleged to have been convicted by a temporal court of having committed an act constituting an ecclesiastical offence in a case where his preferment is not ipso facto vacated by this Act, or is alleged to have been guilty of any immoral act or immoral misconduct or immoral habit, then complaint against that clergyman may be made in the prescribed form by any person to the bishop of the diocese in which such clergyman holds ecclesiastical preferment, and the bishop, unless he is satisfied, and within two months or other prescribed time after receiving the complaint declares in writing to the complainant, that the complaint is too vague or frivolous to proceed upon, shall cause the clergyman complained of (in this Act called the defendant) to be required by the consistory court of the diocese to answer the complaint.

(2.) The bishop of the diocese may, of his own motion, cause complaint to be made in his consistory court against a clergyman for any such act as in this section mentioned.

A.D. 1891.

Procedure on complaint.

6.—(1.) Where a defendant is required under this Act by a consistory court to answer a complaint, and either—

(*a.*) the written consent of both the defendant and the complainant (in this Act referred to as the parties) is obtained to the passing of a summary sentence by the bishop; or

(*b.*) the clergyman after the prescribed notice does not within the prescribed time either make an answer to the charge or object in writing to a summary sentence by the bishop,

the bishop may, without any further proceeding, summarily pass sentence on the defendant, and such sentence, when recorded in the diocesan registry, shall take effect as the judgment of the consistory court, and shall not be subject to appeal.

(2.) If such summary sentence is not passed, notice that it is not so passed shall be given to the complainant, and proceedings under this Act shall be taken in the consistory court for trying the defendant, and if within three months or other prescribed time after the complaint such notice is not given to the complainant, he may cause such proceedings to be taken.

(3.) Except where the complaint is made by an officer of the bishop, the court may refuse to let the case proceed at any stage, until the complainant has given such security for costs as the court may think reasonable.

Constitution of consistory court on trial.

7.—(1.) By consent of both parties the court may try the case on affidavits only, with such written statements as the parties may submit to the court, but all such affidavits and statements shall be filed in the diocesan registry, and copies of those filed by the complainant shall be forthwith sent to the defendant, and may be answered by him, and copies of those filed by the defendant shall be forthwith sent to the complainant, and may be answered by him, and such further affidavits and statements may be filed by either of the parties as the chancellor allows.

(2.) If any question of fact, other than a question connected with the proof of the conviction of a temporal court, has to be determined on the trial, notice thereof shall be given to the defendant, and if the defendant within fourteen days or other prescribed time by notice to the registrar demands assessors, the chancellor shall cause six of the assessors herein-after mentioned to attend the consistory court, and the complaint shall be tried before the chancellor and assessors.

A.D. 1891.

(3.) The chancellor on any such trial shall preside, and shall alone determine any question of law, and also any question of costs, and whether a question is one of law or of fact shall be deemed to be a question of law.

(4.) For questions of fact, the assessors shall be members of the court, and the decision must either be the unanimous decision of the assessors or that of the chancellor and at least a majority of the assessors.

(5.) If no such decision is arrived at, and if the parties do not agree to abide by the chancellor's decision, the case shall, if either party so desires, be retried as soon as possible, with assessors chosen as before, save that no more than one lay and two clerical assessors who acted at the former trial shall act as assessors on the re-trial.

Assessors.

8.—(1.) The assessors shall be chosen in the prescribed manner from the list of assessors who shall be elected as soon as possible after the commencement of this Act and every three years afterwards, as follows; that is to say,

(*a.*) three shall be elected from their own number by the members of the cathedral church of the diocese;

(*b.*) four shall be elected from their own number by the beneficed clergy of each archdeaconry in the diocese; and

(*c.*) five declaring themselves in the prescribed form to be lay members of the Church of England, shall be elected from the justices of the county by the court of quarter sessions of each county wholly in the diocese, and of such of the counties partly in the diocese as may be prescribed.

(2.) Provided that—

(*a*) the consent of an assessor to serve shall be obtained before he is elected; and

(*b*) if an assessor ceases to be one of the body from whom he is elected or resigns, or dies or becomes incapable of acting, the chancellor may declare a vacancy, and thereupon the vacancy may be filled by another election.

(3.) When the presence of assessors is required, four clergymen and two laymen shall be chosen out of the assessors on the said list, by ballot conducted by the registrar in the presence of such (if any) of the parties as desire to be present by themselves or their representatives.

(4.) The assessors chosen shall be bound to attend when required, and if anyone fails so to attend without a reasonable excuse

satisfactory to the chancellor he shall be disqualified for acting or being elected again as assessor, and the chancellor shall declare a vacancy, and the vacancy shall be filled by a new election.

(5.) If any assessor is objected to by either party for reasons approved by the chancellor, he shall be discharged from serving.

(6.) If by reason of any objection or of non-attendance or otherwise the requisite number of assessors is not obtained before the trial, the chancellor shall, if there is time, cause a clergyman or layman, as the case may require, to be chosen from the list of assessors by another ballot, but if there is not time, shall appoint some clergyman or layman, as the case may require, who is willing to serve, and is not objected to by either party for cause shown and deemed sufficient by the chancellor, to make up the full number of six assessors.

Trial by provincial court.

9. On the application of one party and with the consent of the other party, at least a week or other prescribed time before the trial, the chancellor shall send a complaint under this Act by letters of request or in any other prescribed manner to the provincial court to be there heard and determined, but without assessors, according to the prescribed procedure.

Substitutes for chancellor in certain cases.

10.—(1.) Where the chancellor is not a barrister who has been for at least five years the holder of a judicial appointment or is not or has not been a barrister who has actually practised for not less than ten years, or where the bishop on representation by or on behalf of the chancellor is satisfied that the chancellor is unable or unwilling for good cause to preside at any trial under this Act in the consistory court, or is incompetent to act in the case, or that for some special reason it is desirable that the chancellor should not preside, the chancellor with the consent of the bishop, or if the chancellor is unable or incompetent to act in the case the bishop, shall appoint a person who is or has been such a barrister as aforesaid to be deputy chancellor, and such person shall, for the purpose only for which he is so appointed, be deemed to be the chancellor.

(2.) The inability of the chancellor to preside shall not affect any proceedings that have taken place before such person is appointed.

Appeals on question of law or fact.

11.—(1.) Either party may within the prescribed time appeal against any judgment or order under this Act of the consistory court in respect of any matter of law.

(2.) The appeal may be either to the provincial court or to Her Majesty the Queen in Council, but if the appeal is to the provincial court the decision of that court shall be final.

A.D. 1891.

(3.) If a defendant desires to appeal against any judgment or order under this Act of the consistory court in respect of the facts, he may within the prescribed time petition ex parte the provincial court, or Her Majesty the Queen in Council, to permit such appeal, and if on such petition he shows a primâ facie case against the decision of the consistory court, the permission shall be given, and he may appeal accordingly.

(4.) If such appeal is to the provincial court, that court shall have the same power of directing witnesses to be examined or re-examined, and of remitting the matter to the consistory court, as the Judicial Committee of the Privy Council have on any appeal.

(5.) An appellant under this Act may be required by the chancellor, or, where the appeal is by permission of the provincial court or of Her Majesty in Council, may be required by the order permitting the appeal, to give security for costs.

(6.) No appeal shall be allowed under this Act, except by leave of the court, against any interlocutory judgment or order not having the force or effect of a definitive sentence upon the merits of the case, and an appeal so allowed shall lie to the provincial court or to Her Majesty the Queen in Council, but if the appeal is to the provincial court, the decision of that court shall be final.

(7.) Where the case is originally heard in the provincial court there may be the like appeal to Her Majesty the Queen in Council as is provided by this section in the case of the consistory court, and the provisions of this section with respect to appeals from the consistory court, including the provision respecting the security for costs, shall apply in like manner as if the judge of the provincial court were the chancellor.

Limitation of prosecutions.

12. A complaint under this Act against a clergyman for an offence shall not be made after five years from the date of the alleged offence, or the last of a series of acts constituting the offence, except that in the case of a conviction by a temporal court the complaint may be made within two years after the conviction became conclusive for the purpose of this Act.

Sentences.

Sentences of ecclesiastical courts under Act.

13. Where a clergyman is adjudged guilty upon any trial under this Act the following provisions shall apply:—

(1.) He may be sentenced to admonition, suspension, or deprivation, and in all cases where sentence of suspension may lawfully be passed, sentence of deprivation may be passed if the gravity of the case appears to require it. In considering

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the sentence, regard shall be had to the interests of the ecclesiastical parish or place concerned rather than to precedents of punishments.

(2.) If sentenced to suspension for any term, he shall not, at the conclusion of that term, be entitled to be re-admitted, until he has produced to the court satisfactory evidence of his good conduct during the term.

(3.) If sentenced to suspension from the performance of the duties of his ecclesiastical preferment for any term, he shall not during that term reside in the house of residence of that preferment, nor if the sentence so requires, reside within the distance specified in the sentence from the place of such preferment, and further he shall not, during that term, without leave of the court, exercise or perform any right or duty of or incidental or attached to the preferment.

(4.) The sentence when passed by the chancellor or official principal shall be recorded in the registry of the diocese, and notified by the registrar to the bishop in the prescribed manner, and shall take effect from the date of such notification being sent to the bishop.

(5.) If an appeal is brought, the operation of the sentence shall be suspended until the appeal is determined or abandoned.

Temporary inhibition by bishop. See 3 & 4 Vict. c. 86. s. 14.

14.—(1.) Where either—

(*a*) an appeal is brought, or

(*b*) it appears to the bishop of the diocese that, while a complaint under this Act is pending, either scandal is likely to arise from the defendant continuing to perform the services of the church or the ministration of the defendant will be useless,

the bishop may cause the prescribed notice to be served on the defendant, inhibiting him from performing any services of the church within the diocese after the date of the service of the notice until the appeal or complaint has been determined or abandoned.

(2.) The defendant, within fourteen days after the service of the notice, may nominate to the bishop any fit person to perform the services of the church during the period of inhibition, and if the bishop deems such nominee a fit person for the performance of the said services, he shall grant his licence to him accordingly, or if a person whom the bishop deems fit is not nominated within the said period, the bishop shall make such provision for the services of the church as to him seems necessary.

(3.) In every case the bishop may assign such stipend not exceeding that allowed on sequestration under the Sequestration 34 & 35 Vict. c. 45.

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Act, 1871, as the bishop may think fit, and may provide for the payment of that stipend, if necessary, by sequestration of the preferment.

(4.) The bishop may at any time revoke any inhibition or licence under this section.

Punishment of disobedience to sentence.

15. If a clergyman wilfully disobeys a sentence passed under this Act, or any requirement or direction contained in such sentence, he may be cited before the consistory court, and if after the prescribed proceedings for enabling him to show cause to the contrary, the chancellor is satisfied that the clergyman has been so wilfully disobedient, and ought to be punished for it, the chancellor may pronounce judgment against him, which shall be subject to the like appeal as if pronounced on a trial under this Act, and sentence him to such ecclesiastical punishment as the gravity of the case appears to require, including a sentence of deprivation; and where any sentence is so passed the writ de contumace capiendo shall not be issued.

Incapacity for subsequent preferment.

16. Where by virtue of this Act, or of a sentence passed in pursuance of this Act, the ecclesiastical preferment of a clergyman becomes vacant, he shall be incapable of taking and holding any ecclesiastical preferment thereafter, unless he receives a free pardon from the Crown, or unless the bishop of the diocese and archbishop of the province in which the latter preferment is situate are satisfied, after such public notice, if any, as they think desirable, that it is expedient to allow him to take and hold that preferment.

Deposition after deprivation.

17. Where by virtue of this Act, or of any sentence passed in pursuance of this Act, the ecclesiastical preferment of a clergyman becomes vacant, and it appears to the bishop of the diocese that such clergyman ought also to be deposed from holy orders the bishop may, by sentence and without any further formality, depose him, and the sentence of deposition shall be recorded in the registry of the diocese. Provided always that such clergyman may appeal against the said sentence within one month from the date thereof to the archbishop of the province, whose decision shall be final.

Proceeding where clergyman acts in contempt of inhibition or sentence.

18.—(1.) Where a clergyman has, under this Act, been inhibited or sentenced to any ecclesiastical punishment, then,

(*a.*) if in contravention of such inhibition or sentence, he performs or attempts to perform divine service, or does or attempts to do any act as clergyman in any church or churchyard or

place licensed by the bishop for divine service, or prevents or attempts to prevent any other clergyman from performing divine service there, he shall be guilty of disturbing public worship within the meaning of section two of the Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter thirty-two, in such church or churchyard or place; and may be removed therefrom, by any churchwarden or constable, or by any person lawfully authorised by the consistory court, or by any person lawfully called by the churchwarden, constable, or lawfully authorised person to his assistance; but nothing in this section shall exempt a clergyman from being proceeded against under this Act for wilfully disobeying the sentence; and

(*b.*) if it appears to the bishop or to the consistory court necessary for the due execution of the inhibition or sentence, or for the due performance of divine service, or any religious ceremony, that possession of any church, parsonage, building, book, or thing belonging or appertaining to the preferment of such clergyman or to the churchwardens should be delivered to the churchwardens or to any other persons appointed by the bishop or court, and the clergyman refuses or fails to deliver the same, such refusal or failure may be notified in the prescribed manner to the sheriff, and the sheriff shall place the churchwardens or the said other persons in possession in like manner as if he were executing a writ of possession or delivery.

Supplemental as to Procedure.

Rule as to costs.

19.—(1.) The court having cognizance of a complaint under this Act, as well in cases where the bishop summarily passes sentence on a defendant, as in other cases, may order such costs (including any costs properly incurred in holding the court or in providing for the duties of the ecclesiastical preferment of the defendant), to be paid by such parties to the case, as the court may deem just.

(2.) Any costs so ordered to be paid, if not exceeding twenty pounds, may be recovered by means of the county court, in manner provided by section six of the Borough and Local Courts of Record Act, 1872, and the consistory court shall for that purpose be a local court of record within the meaning of that section; and in any other case the order for the payment of such costs may be made a rule of the High Court, and the payment may be enforced accordingly.

35 & 36 Vict. c. 86.

(3.) All court fees and costs of holding the court, or of providing for the duties of the ecclesiastical preferment of the defendant, shall

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(so far as not otherwise recovered) be payable to the registrar, and be recoverable by him in manner provided by this Act with respect to costs.

Failure to find defendant.

20. Where a defendant in a proceeding under this Act cannot be found after the prescribed means have been taken to find him, the same proceedings may be had, and if the case is proved to the satisfaction of the court, the same judgment be pronounced and sentence passed in his absence as if he had been found, but if the defendant thereafter appears and makes an explanation satisfactory to the court, and satisfies the court that it is just so to do, the court may set aside any such judgment and sentence so far as the same can be set aside, and may do so on such terms as the court may think just.

Restrictions on technical objections and invalidity from defects in form or irregularity.

21.—(1.) An objection to the qualification of any member of a consistory court shall not be taken before any court except within the prescribed time.

(2.) The judgment of a consistory court that a clergyman has been guilty of an immoral act, immoral misconduct, or immoral habit, shall be conclusive that the offence charged is cognizable by such court under this Act.

(3.) A process of an ecclesiastical court for the purposes of this Act shall not be invalid by reason of any defect of form or irregularity therein if there was a good and valid proceeding in the ecclesiastical court to sustain the same without such defect or irregularity.

(4.) A proceeding under this Act in an ecclesiastical court shall not be restrained or held to be invalid, by reason of—

(*a.*) any objection which can be raised in that court, unless and until it has been raised and disposed of by that court; nor

(*b.*) of any defect of form or irregularity, unless the court in which the objection is raised is satisfied that the party objecting has been or will be prejudiced as regards the substantial issue in the case by such defect or irregularity.

(5.) An ecclesiastical court may make any amendment in any process or proceeding which appears to the court not to be material as regards the substantial issue in the case, and may make it on such terms, whether for the payment of costs or otherwise, as to the court may seem just.

(6.) In this section the expression "process of an ecclesiastical court" includes any judgment, sentence, order, notification, certificate, summons, inhibition, record, or instrument, passed, made, or issued, by an ecclesiastical court, or by a bishop for the purpose of his consistory court.

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Rules of Court.

Power of Her Majesty in Council to make rules of court.

22.—(1.) Her Majesty the Queen may by Order in Council, upon the recommendation of the rule committee in this section mentioned, make rules for carrying this Act into effect, and in particular for regulating all matters relating to the commencement and conduct of proceedings under this Act, including the complaint answer and other pleadings (if any) therein, the mode of taking evidence, the appeals in interlocutory proceedings, the election of assessors, the choosing of assessors for trial, the name in which process is to issue, the scale of costs or expenses to be allowed and of fees to be taken whether in defended or undefended proceedings, the taxation of costs, the forms to be used, and all matters incidental to or connected with the administration of justice under this Act.

(2.) An Order in Council made in pursuance of this section shall be laid before both Houses of Parliament forthwith after it is made, and shall be judicially noticed and while in force shall be of the same validity as if enacted by Parliament.

(3.) A rule committee for the purposes of this section shall consist of the Lord Chancellor, the Lord Chief Justice of England, the official principal of the provinces of Canterbury and York, and the archbishops and bishops who are members of the Privy Council, or of any two of the said persons, one of them being the Lord Chancellor or Lord Chief Justice.

Definitions and Application of Act.

Jurisdiction of "bishop."

23.—(1.) In this Act the expression "bishop," unless there is something in the context inconsistent with such a meaning, includes an archbishop within his own diocese.

(2.) A bishop may act as bishop for all the purposes of this Act in relation to a clergyman holding in the diocese an ecclesiastical preferment of which the bishop is patron.

(3.) In respect of every place, district, or preferment which is exempt or peculiar, the bishop having jurisdiction therein under the Church Discipline Act, 1840, shall have jurisdiction therein under this Act, and such place, district, or preferment shall for the purposes of this Act be deemed to be situate within the limits of the diocese of such bishop.

Application of Act to clergyman unbeneficed or serving abroad or

24.—(1.) Where a clergyman holds no ecclesiastical preferment in England or Wales, then—

(*a*) if he resides or is alleged to have wholly or partly committed the offence, or if more offences than one are charged,

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holding several ecclesiastical preferments.

any of such offences in any place in England or Wales, this Act shall apply as if he held preferment in the diocese in which that place is situate; and

(*b*) in any other case, this Act shall apply, subject as hereinafter mentioned, as if he held preferment in the diocese of Canterbury.

(2.) Where a clergyman holds no preferment, the sentence may be a declaration of his unfitness, either for a limited time or without any limit of time, for the performance of clerical duties; and upon such sentence being recorded, letters under the seal of the bishop shall issue inhibiting the defendant from performing any services of the church; and upon the recording of a sentence of unfitness without limit of time, the provisions of this Act respecting the deposition from holy orders and the incapacity for taking or holding ecclesiastical preferment of a clergyman whose ecclesiastical preferment becomes vacant, shall apply in like manner as if the defendant had held ecclesiastical preferment, and such preferment had become vacant by virtue of the said sentence.

(3.) Where a clergyman holds ecclesiastical preferments in more than one diocese this Act shall, unless there is something inconsistent in the context, be construed to refer to the bishop and court of any diocese in which such clergyman holds ecclesiastical preferment.

Definition and place of sitting of consistory court and provincial court and archdeaconry.

25.—(1.) The consistory court means in reference to any diocese the consistory court of that diocese or the court having the powers and duties of a consistory court of that diocese; and the consistory court shall have jurisdiction over every place, district, and preferment, exempt or peculiar, over which the bishop of the diocese has, by virtue of this Act or otherwise, jurisdiction; and the court may be held at such place within the diocese as the court may appoint, having regard to the convenience of the witnesses and to the other circumstances of the case, and in cases where the presence of the parties is not required, or both parties consent, may be held in any place though not in the diocese.

(2.) As respects the province of Canterbury the provincial court means the arches court of Canterbury, and the official principal means the official principal of the Archbishop of Canterbury.

(3.) As respects the province of York the provincial court means the Chancery Court of York, and the official principal means the official principal and auditor of the Archbishop of York.

(4.) The provincial court of each province may be held in the administrative county of London or in such place as the judge may direct.

(5.) For the purposes of this Act the Isle of Ely shall be deemed to form an archdeaconry. A.D. 1891.

26. In this Act, unless the context otherwise requires,— Definitions.

The expression "ecclesiastical preferment" includes every deanery, archdeaconry, prebend, canonry, honorary canonry, rural deanery, and every office of minor canon, priest vicar, or vicar choral in holy orders; also every precentorship, treasurership, sub-deanery, chancellorship of the church, and other dignity and office in any cathedral or collegiate church, also all benefices with cure of souls, comprehending therein all parishes, perpetual curacies, donatives, endowed public chapels, parochial chapelries, and chapelries or districts belonging or annexed or reputed to belong or be annexed to any church or chapel; also every curacy, lectureship, readership, chaplaincy, office, or place, requiring the discharge of any spiritual duty, whether the same is or is not within any exempt or peculiar jurisdiction. "Ecclesiastical preferment."

The expression "clergyman" means a clergyman who is in holy orders of the Church of England, or who holds any ecclesiastical preferment in the Church of England, or who, though ordained by a bishop of another Church, is authorised by written permission from an archbishop of the Church of England, or otherwise, to officiate as a priest or deacon in any church or chapel in England or Wales, but the expression shall not include the archbishop or bishop of any diocese in England or Wales. "Clergyman."

The expression "member of a cathedral church" means any dean, residentiary canon, non-residentiary canon, prebendary or honorary canon of that church. "Member of a cathedral church."

The expression "institution" includes licence, collation, or any other step taken in appointing to any ecclesiastical preferment which corresponds to institution in the case of a benefice. "Institution."

The expression "chancellor" means the judge of the consistory court by whatever name known. "Chancellor."

The expression "judicial appointment" includes a chairmanship of quarter sessions and a police or stipendiary magistrateship. "Judicial appointment."

The expression "county" includes a riding and division having a separate court of quarter sessions. "County."

The expression "prescribed" means prescribed by rules made in pursuance of this Act. "Prescribed."

Saving and Repeal.

27. Nothing in this Act shall render a clergyman liable to be tried or sentenced under this Act in respect of any question of doctrine or ritual. Exclusion of question of doctrine or ritual.

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Savings for the Royal prerogative, and personal episcopal powers, but exclusion of other proceedings in court.

28. Nothing in this Act shall—

(*a.*) affect any prerogative of Her Majesty the Queen as respects pardon or otherwise; or

(*b.*) take away or abridge any authority over clergymen which the archbishops and bishops may now according to law exercise personally and without process in court, nor the liability of a clergyman to any prosecution, action, or proceeding in any court, other than an ecclesiastical court,

but a criminal proceeding against a clergyman for an offence for which a complaint can be made under this Act, shall not be instituted in any ecclesiastical court except in accordance with this Act.

Saving for Channel Islands and Isle of Man.

29. Nothing in this Act shall apply to the Channel Islands or the Isle of Man, and the provisions of this Act with respect to a clergyman holding no ecclesiastical preferment in England or Wales shall not apply to a clergyman holding ecclesiastical preferment in the Channel Islands or Isle of Man, nor to a clergyman holding clerical office in any British possession in respect of an offence committed in that possession.

Commencement of Act.

30. This Act shall come into operation on the first day of December next succeeding the passing of this Act, and shall apply to offences committed before or after the passing or commencement thereof.

Repeal.

31. The Act of the session of the third and fourth years of the reign of Her present Majesty, chapter eighty-six, intituled "An Act for better enforcing Church discipline" (in this Act referred to as the Church Discipline Act, 1840), shall, so far as respects any proceeding instituted after the commencement of this Act against a clergyman for an offence for which a complaint can be made under this Act, be repealed. Provided that any proceeding pending in a consistory court at the commencement of this Act, which could have been instituted under this Act if previously in force, may, if the Chancellor so directs, be proceeded with as if instituted under this Act.

3 & 4 Vict. c. 86.

So much of the Act of the session of the thirty-third and thirty-fourth years of the reign of Her present Majesty, chapter twenty-three, intituled "An Act to abolish forfeitures for treason and "felony, and to otherwise amend the law relating thereto," as relates to a forfeiture by a clergyman of any benefice is hereby repealed.

33 & 34 Vict. c. 23.

Clergy Discipline (Immorality). [H.L.]

A

B I L L

INTITULED

An Act for better enforcing Discipline in the Case of Crimes and other Offences against Morality committed by Clergymen.

(*Brought from the Lords* 23 *March* 1891.)

Ordered, by The House of Commons, *to be Printed*, 24 *April* 1891.

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[Bill 293.]

Coal Mines Regulation Act (1887) Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement and application of Act.
3. Restriction on hours of work in mines.
4. Restriction on employment in mines.
5. Restriction on employment of women and girls.
6. Penalty for contravention of provisions of Act in relation to employment.
7. Removal of check weigher.
8. Height of communication between shafts and outlets.
9. Board for appointing examiners.
10. Appointment of assistant inspectors.
11. Coroners' inquests.
12. Inquiry by procurator fiscal where death caused by accident in mines in Scotland.
13. Amendment of general rules.
14. Special rules for mining districts.
15. Making of special rules.
16. New special rules.
17. Notice of proposed special rules.
18. Constitution of Miners association.
19. Constitution of Owners association.
20. Notice of provisions as to Miners and Owners associations and fixing of first meeting.
21. Incorporation of Miners and Owners associations.
22. Supply of copies of Act and special rules.
23. Interpretation.
24. Repeal.

A

B I L L

TO

Amend the Coal Mines Regulation Act, 1887.

A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Short title. 50 & 51 Vict. c. 58.

1. This Act may be cited as the Coal Mines Regulation Act, 1891, and shall be construed as one with the Coal Mines Regulation Act, 1887, (herein-after referred to as the principal Act,) and the principal Act and this Act may be cited together as the Coal Mines Regulation Acts, 1887 and 1891.

Commencement and application of Act.

2.—(1.) Subject as herein-after mentioned, this Act shall not come into operation till the *first day of January one thousand eight hundred and ninety-two* (which date is herein-after referred to as the commencement of this Act), and shall apply only to mines to which the principal Act applies.

(2.) Provided that Miners and Owners associations may be constituted at any time after the *passing of this Act*, and the provisions of this Act which relate to the constitution of these associations shall come into operation immediately on the *passing of this Act*.

Restriction on hours of work in mines.

3.—(1.) No person shall be employed in or allowed to be for the purposes of employment in any mine below ground for more than *eight hours* during any consecutive twenty-four hours.

(2.) The owner, agent, or manager of every mine shall keep in the office of the mine a book to be called "The Hours of Work Book," in which he shall cause to be entered in such form as a Secretary of State may prescribe a record of the time during which any person is employed in, or allowed to be for the purposes of employment, in the mine below ground.

(3.) The Hours of Work Book shall be open at all reasonable hours to the inspection of any inspector appointed under the principal Act, and of any person employed in the mine.

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Restriction on employment in mines.

4.—(1.) No person who has not been so employed before he has attained the age of *sixteen years* shall be employed in or allowed to be for the purpose of employment in any mine below ground.

(2.) Nothing in this section shall apply to any person who is or has been lawfully employed in a mine below ground before the *first day of January one thousand eight hundred and ninety-one.*

Restriction on employment of women and girls.

5.—(1.) No woman or girl shall be employed in connexion with any mine at manual labour above ground.

(2.) Nothing in this section shall apply to any woman or girl who has been lawfully employed in any employment in connexion with a mine before the *first day of January one thousand eight hundred and ninety-one* in respect of that employment.

Penalties for contravention of provisions of Act in relation to employment.

6.—(1.) Section nine of the principal Act shall apply to the contravention of the provisions of this Act with respect to employment and the Hours of Work Book as it applies to the contravention of the provisions of the principal Act with respect to employment and the register to be kept under that Act respectively.

Removal of check weigher.

7. The following provision shall be substituted for subsection four of section thirteen of the principal Act, namely:

If the owner, agent, or manager of a mine desires the removal of a check weigher on the ground that the check weigher has at the mine impeded or interrupted the working of the mine, or interfered with the weighing, or with any of the workmen, or with the management of the mine, or has at the mine to the detriment of the owner, agent, or manager done anything beyond taking such account determining such deductions or giving such information as aforesaid, he may complain to a court of summary jurisdiction, who, if of opinion that the owner, agent, or manager shows sufficient primâ facie ground for the removal of the check weigher, shall call on the check weigher to show cause against his removal.

Height of communications between shafts and outlets.

8. The following amendment shall be made in section sixteen of the principal Act, namely:

The communication between the two shafts and outlets therein mentioned shall in the case of communications made before the commencement of the principal Act be not less than four feet high, and in the case of communications made after the commencement of the principal Act be not less than five feet high.

Board for appointing examiners.

9. Six persons employed or who have been employed as workmen in any mine not being owners, agents, or managers of a

mine shall be members of any board established under the principal Act for the appointment of examiners for the purpose of granting of certificates of competency under that Act.

Appointment of assistant inspectors.

10.—(1.) In any mining district as defined in this Act a Secretary of State shall appoint an assistant inspector for every six thousand persons employed above or below ground in connexion with mines in the district.

(2.) In the appointment of assistant inspectors preference shall be given to persons having practical knowledge of the working of mines and especially to persons who hold certificates of competency under the principal Act.

(3.) A Secretary of State may remove any such assistant inspector and may grant him such salary as the Treasury may approve.

(4.) *The salaries of assistant inspectors and the expenses incurred by them shall be paid out of moneys to be provided by Parliament.*

(5.) The assistant inspectors shall be generally under the control of the inspector of the district and may perform any of the duties of an inspector which may be delegated to them, either generally or in special cases by an inspector, and shall also perform any duties which may be assigned to them by a Secretary of State.

(6.) Any special report made by an inspector or an assistant inspector with respect to an explosion or accident shall be presented to a Secretary of State, and shall also be included in the inspector's annual report.

Coroner's inquest.

11. At any coroner's inquest on the body of any person whose death may have been caused by explosions or accidents in or about mines—

(1.) The inspector of the district shall be called as a witness by the coroner.

(2.) Any person authorised by one or more workmen at the mine at which the explosion or accident has occurred may attend and examine any witness either in person or by his counsel, solicitor, or agent.

Inquiry by procurator fiscal where death caused by accident in mines in Scotland.

12. Where in Scotland the death of any person has been caused by any explosion or accident of which notice is required by the principal Act to be given to the inspector of the district, the procurator fiscal of the jurisdiction in which the explosion or accident has occurred shall hold a public inquiry on the body of the person who has been killed, and the provisions of section forty-eight of the principal Act as amended by this Act shall apply to such inquiry as they do to coroners inquests with the necessary modifications.

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Amendment of general rules.

13. The general rules contained in section forty-nine of the principal Act shall be amended as follows:—

(1.) The following provisions shall be substituted for the first paragraph of that part of rule four which relates to inspection before commencing work:—

(i.) A competent person or competent persons appointed by the owner, agent, or manager for the purpose, not being contractors for getting minerals in the mine or in the employ or pay of such contractors, shall within two and a half hours before the commencement of each shift inspect every part of the mine situate beyond the station or each of the stations, and in which workmen are to work or pass during that shift, and shall ascertain the condition thereof so far as the presence of gas, ventilation, roof and sides, and general safety are concerned.

(ii.) The person making the inspection shall enter in a book to be kept in the mine for the purpose a report of the inspection, and the book shall be kept in a convenient and accessible place and be open at all times to the inspection of any person employed in the mine.

(2.) No lamp or light other than a locked safety lamp shall be allowed or used in any place in a mine in which there is inflammable gas, and rule eight shall be amended accordingly.

(3.) The following provision shall be substituted for (*g*) of rule twelve:—

Rule 12 (*g*.) No explosive substance shall be used in any mine where inflammable gas has been found until after the expiration of three months from the time when the inflammable gas has been found, and then only with the consent of the inspector of the district.

(4.) The following rule shall be substituted for rule fourteen:—

Rule 14. Every underground plane on which persons travel, which is self-acting or worked by an engine, windlass, or gin, shall be provided (if exceeding thirty yards in length) with some proper means of communicating distinct and definite signals between the stopping places and the ends of the plane, and shall be provided in every case with sufficient manholes for places of refuge, which shall be placed at intervals of not more than five yards, and on one side of the road only.

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(5.) The manholes mentioned in rule fifteen shall be placed at intervals of not more than twenty-five yards apart, and shall be on one side of the travelling road only.

(6.) Every engine plane used in any mine shall be provided with proper travelling roads for the safety of workmen passing to and from the face of the working.

(7.) The following rule shall be substituted for rule twenty-two:—

Rule 22. Where the timbering of the working places is done by the workmen employed therein, suitable timber shall be provided at the working place by the owner of the mine, and the distance between the sprags or holing props where they are required shall not exceed six feet, or such less distance as may be ordered by the owner, agent, or manager.

(8.) The following rule shall be substituted for rule twenty-six:—

Rule 26. Detaching hooks and safety catches shall be applied to all machinery by means of which persons are lowered into or raised out of a mine.

(9.) The ambulances or stretchers, with splints and bandages, mentioned in rule thirty-four, shall be kept in the mine ready for immediate use in case of accident.

(10.) The books mentioned in rule thirty-seven shall be kept in the mine.

(11.) The following rule shall be substituted for rule thirty-eight:—

Rule 38. (i.) The workmen employed in any mine may from time to time appoint any persons who are or have been practical working miners to be examiners of the mine on their behalf.

(ii.) Such examiners may at any time examine the mine or any part thereof, or any old workings, shafts, machinery, or apparatus connected therewith, and every facility shall be afforded for any such examination by the owner, agent, and manager of the mine, and by all persons in the mine.

(iii.) The examiners shall make a report in writing of every such examination, and shall communicate the same to the workmen, either by placing it in a book to be kept by the workmen for the purpose, or by reading it to a meeting of the workmen, or in such other manner as may be from time to time determined by the workmen.

A.D. 1891.

(iv.) If the examiners on any examination consider that any danger exists, or is to be apprehended in the mine, they shall make a report in writing to that effect to the inspector of the district.

(12.) The following rule shall have effect as an additional general rule :—

Workshops for preparing and storing cartridges.

(i.) The owner of every mine shall provide at or near the mine a workshop at which all cartridges used in the mine shall be prepared and stored under regulations to be made by special rules.

(ii.) One such workshop may, with the approval of a Secretary of State, be provided for several mines.

Special Rules.

Special rules for mining districts.

14.—(1.) There shall be established in every mining district such rules (referred to in this Act, as well as in the principal Act, as special rules) for the conduct and guidance of the persons acting in the management of mines in the district, or employed in or about such mines, as under the particular circumstances of the district may appear best calculated to prevent dangerous accidents, and to provide for the safety, convenience, and proper discipline of the persons employed in or about the mines in the district.

(2.) The special rules shall be observed in and about every mine in the district for which the rules are established in the same manner as if they were enacted in this Act.

(3.) If any person who is bound to observe the special rules established in any district acts in contravention of or fails to comply with any of them he shall be guilty of an offence against this Act, and also the owner, agent, and manager of every mine in the district to which the special rules apply shall be guilty of an offence against the Act, unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the special rules, as regulations for the working of the mine, so as to prevent such contravention or non-compliance.

(4.) All special rules made under the provisions of the principal Act and in force in any mine to which special rules made for a district under this Act apply shall be repealed from the date on which the special rules for the district come into operation.

Making of special rules.

15. The following provisions shall apply with respect to the making of special rules :—

(1.) The parties to the making of special rules shall be the "Owners association" of the district, the "Miners associa-

tion" of the district, and the inspectors of the district on behalf of the Secretary of State.

(2.) The inspector of every district shall within a fortnight after the commencement of the Act send to the other parties a draft of the special rules he proposes as suitable for the district.

(3.) The other parties shall send a statement of any objections, amendments, or additions they may wish to make in respect of such proposed rules within one month of the receipt thereof to each of the other parties, and if no such statement is sent shall be deemed to have agreed to the rules as proposed.

(4.) If within one month after the receipt of any such statement the parties arrive at no agreement on the subject of the objections, or proposed amendments or additions, the question whether the objections should be acceded to or whether the proposed amendments or additions should be made to the rules shall be referred to the arbitration of a single arbitrator to be appointed by the parties, or in default of agreement between the parties as to such appointment by the Board of Trade, and the provisions of the Arbitration Act, 1889, shall apply for the purpose.

(5.) When any special rules have been agreed to or settled by arbitration in manner provided in this Act, they shall be sent by the inspector of the district to a Secretary of State who shall forthwith lay the same before Parliament, if Parliament is then sitting, and if Parliament is not then sitting within a fortnight after the beginning of the next Session of Parliament.

(6.) Any special rules shall, subject to any direction of Parliament to the contrary, come into operation after the expiration of one month after they have been laid before Parliament.

New special rules.

16. When special rules for a district have been made under this Act any party to the making of special rules may propose any new special rules, or any amendment or repeal of the special rules, and the provisions of this Act as to the making of special rules shall apply to the making of any such new special rules, or any such repeal or amendment.

Notice of proposed special rules.

17.—(1.) Notice of any proposed special rule, or any repeal, alteration, or amendment of any special rule, shall be sent by the inspector of the district to any person employed in any mine in a district to which such rule, repeal, alteration, or amendment applies if that person's address is registered as herein-after provided.

A.D 1891.

(2.) The owner, agent, or manager of every mine shall keep in the office of the mine in an accessible position a book to be called the "Workmen's Address Book," in which every person employed in the mine shall be at liberty without hindrance to register his address, and the book shall at all reasonable times be open to the inspector of the district, who may take copies thereof.

(3.) Any inspector of a district who fails to comply with the provisions of this section shall be liable for every such failure to a penalty not exceeding *forty shillings.*

(4.) Every owner, agent, or other person who hinders in any way any workman in the registration of his address shall be liable to a penalty not exceeding *five pounds.*

Constitution of Miners association.

18.—(1.) A Miners association may be established in any mining district for the purposes of this Act.

(2.) The Miners association shall consist of the representatives of the persons employed in any mine in the district.

(3.) The persons employed in any mine may appoint one qualified person to be their representative.

(4.) A person shall be qualified to be a representative who is employed in the mine.

(5.) A vacancy in the representation of any mine shall occur on the death, removal, or resignation of any representative and on any representative ceasing to be qualified.

(6.) On a vacancy occurring the persons employed in the mine may appoint a qualified person to fill the vacancy.

(7.) A representative may at any time resign the representation, and may at any time be removed by a meeting of the persons employed in the mine.

Constitution of Owners association.

19.—(1.) An Owners association may be established in any mining district for the purposes of this Act.

(2.) The Owners association shall consist of representatives of the owners of mines in the district, one such representative acting for each mine and being either the owner in person or a qualified person appointed by the owner.

(3.) The following persons shall be qualified to be appointed :—

(i.) In any case any agent or manager of the mine.

(ii.) Where the mine is owned by a partnership any one of the partners.

(iii.) Where the mine is owned by a company any director of the company.

(4.) A vacancy in the representation of the owners of the mine shall occur on the death or resignation of the representative, or on

any person appointed to be a representative ceasing to be qualified or being removed, or on any owner who is a representative ceasing to be an owner.

(5.) On a vacancy occurring the owner of the mine shall fill the vacancy, either in person or by appointing a qualified person.

(6.) Any person appointed to be a representative of the owners at any mine may at any time resign the representation, and may at any time be removed by the owners.

Notice of provisions as to Miners and Owners association and fixing of first meeting.

20.—(1.) The inspector of every mining district shall within three weeks after the *passing of this Act* send to every owner, agent, or manager of a mine in his district notice of the provisions of this Act as to the Owners and Miners association and the purposes for which they are respectively established, and the owner, agent, or manager of every mine shall without delay cause to be posted up in some convenient spot at or near the mine where the same is easily legible notice of the provisions as to the Miners association and the purpose for which it is established.

(2.) The inspector of every mining district shall on the requisition of any ten persons who are representatives on the Miners or Owners association call the first meeting of that association, and shall send notice of the time and place of meeting to the owner, agent, or manager of every mine, and that notice if it refers to the first meeting of the Miners association shall be without delay posted up by them in the same manner as is provided with respect to the notice of the provisions of this Act before in this section mentioned. The time fixed by the inspector for the first meeting of either the Miners or Owners association shall be some time after the expiration of at least ten weeks from the *passing of this Act.*

(3.) If the owner, agent, or manager of any mine fails to comply with the provisions as to the posting up of notices, he shall be liable for every such offence to a fine not exceeding *one hundred pounds.*

Incorporation of Miners and Owners association.

21.—(1.) The Miners association and the Owners association shall each be a body corporate under the names respectively of the "Miners association" and the "Owners association" of the district for which they are appointed, having a perpetual succession and a common seal.

(2.) The Miners association and Owners association may act notwithstanding any vacancy in their number, so long as there are at least half as many representatives appointed and acting on such association respectively as there are mines in the district.

A.D. 1891.

The Miners association and the Owners association may make regulations—

(i.) As to the appointment of a chairman, a governing body, and officers; and

(ii.) As to the authentication of the seal of the association; and

(iii.) As to the delegation of any matters to a committee; and

(iv.) As to the mode of voting at meetings; and

(v.) As to the determination of the quorum necessary for meetings; and

(vi.) Generally as to the management of the association and the ordering of its proceedings.

Supply of copies of Act and special rules.

22. The printed copy of the abstract and special rules mentioned in section fifty-seven of the principal Act shall be supplied to every person employed in or about a mine without the application provided in that section.

Interpretation.

23. In this Act unless the context otherwise require—

The expression "mining district" means a district for which an inspector of mines is for the time being assigned.

The expressions "Miners association" and "Owners association" mean respectively the Miners and Owners association constituted for the purposes of the Act.

Repeal.

24. The Coal Mines Regulation Act, 1887, is hereby repealed to the extent mentioned in the third column of the schedule to this Act.

SCHEDULE.

A.D. 1891.

REPEAL.

50 & 51 Vict. c. 58.	The Coal Mines Regulation Act, 1887.	The following words in section seven except as to girls and women lawfully employed before the first day of January 1891, namely,— The words "girls and women" where those words first occur, the words "or girl" in subsections (1), (2), and (3), and the words "and no woman" in subsection (3). The words "girl or woman" in subsections (4), (7), and (8). The words "girls and women" where those words last occur in the section. In section eight the words "girls and women." In section thirteen, subsection four. In section twenty-three, paragraph (*b.*) of subsection (2). In subsection (8) of section forty-eight the words "and any person "appointed by the order in writing "of the majority of workmen "employed at the said mine." Section forty-nine:— Rule four, from "a competent "person" to "and general safety are concerned." In paragraph (*a.*) of rule eight the words "likely to be any "such quantity of" and the words "as to render the use "of naked lights dangerous." In rule twelve, paragraph (*g*)— Rule fourteen. Rule twenty-two. Rule twenty-six. Rule thirty-eight. Sections fifty-one to fifty-four. Section fifty-seven, in subsection (2) the words from "who applies" to "and paid."

Coal Mines Regulation Act (1887) Amendment.

A

B I L L

To amend the Coal Mines Regulation Act, 1887.

(*Prepared and brought in by Mr. Pickard, Mr. Jacoby, Mr. Cremer, and Mr. Cunningham Graham.*)

Ordered, by The House of Commons, *to be Printed*, 26 *November* 1890.

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[Bill 82.]

Coinage Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Provision as to exchange of light gold coins.
2. Remedy allowances for coin.
3. Short titles and construction.

SCHEDULE.

[Bill 375.] a

A

B I L L

TO

Amend the Coinage Act, 1870.

A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Provision as to exchange of light gold coins. 33 Vict. c.10. [See 52 & 53 Vict. c. 58.]

1.—(1.) It shall be lawful for Her Majesty, by Order in Council, to direct that gold coins of the realm which have not been called in by proclamation and are below the least current weight as provided by the Coinage Act, 1870, shall, if they have not been illegally dealt with, and subject to such conditions as to time, manner, and order of presentation, as may be mentioned in the Order, be exchanged or paid for by or on behalf of the Mint at their nominal value.

(2.) For the purposes of this Act a gold coin shall be deemed to have been illegally dealt with where the coin has been impaired, diminished, or lightened otherwise than by fair wear and tear, or has been defaced by having any name, word, device, or number stamped thereon, whether the coin has or has not been thereby diminished or lightened.

(3.) In a sovereign or half sovereign loss of weight exceeding three grains from the standard weight shall, for the purposes of this Act, be primâ facie evidence that the coin has been impaired, diminished, or lightened otherwise than by fair wear and tear.

(4.) *Towards meeting the expenses to be incurred in pursuance of this section the sum of four hundred thousand pounds shall be charged on and issued from the Consolidated Fund in the year ending the thirty-first day of March, one thousand eight hundred and ninety-two, and, so far as not immediately required, may be invested in such manner as the Treasury direct ; and any interest thereon shall be applied for the purposes of this section.*

A.D. 1891.

Remedy allowances for coin.

2. The remedy allowances for gold, silver, and bronze coins shall be such as are specified in the schedule to this Act; and in all copies of the Coinage Act, 1870, printed after the *passing of this Act,* the First Schedule to that Act shall be printed so as to give effect to the amendments made by this section.

Short titles and construction.

3.—(1.) This Act may be cited as the Coinage Act, 1891.

(2.) This Act and the Coinage Act, 1870, may be cited together as the Coinage Acts, 1870 and 1891.

(3.) Expressions used in this Act have the same meaning as in the Coinage Act, 1870.

SCHEDULE.

A.D. 1891.

Denomination of Coin.	Standard Fineness.	Remedy Allowance.		
		Weight per Piece.		Millesimal Fineness.
		Imperial Grains.	Metric Grams.	
GOLD:				
Five-pound	Eleven-twelfths fine gold, one twelfth alloy; or millesimal fineness 916·6.	1·00	0·06479	2
Two-pound		0·40	0·02592	
Sovereign		0·20	0·01296	
Half-sovereign		0·15	0·00972	
SILVER:				
Crown	Thirty-seven fortieths fine silver, three-fortieths alloy; or millesimal fineness 925.	2·000	0·1296	4
Double-florin		1·678	0·1087	
Half-crown		1·264	0·0788	
Florin		0·997	0·0646	
Shilling		0·578	0·0375	
Sixpence		0·346	0·0224	
Groat or Fourpence		0·262	0·0170	
Threepence		0·212	0·0138	
Twopence		0·144	0·0093	
Penny		0·087	0·0056	
BRONZE:				
Penny	Mixed metal, copper, tin and zinc.	2·91666	0·18899	None.
Halfpenny		1·75000	0·11339	
Farthing		0·87500	0·05669	

Coinage.

A

BILL

To amend the Coinage Act, 1870.

(*Prepared and brought in by Mr. Chancellor of the Exchequer and Mr. Jackson.*)

Ordered, by The House of Commons, *to be Printed,* 18 *June* 1891.

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[*Price* 1*d.*]

[Bill 375.]

A

B I L L

TO

Amend the Commissioners for Oaths Act, 1889. A.D. 1891.

WHEREAS doubts have been entertained whether the powers to administer oaths and take affidavits conferred on a commissioner for oaths by the Commissioners for Oaths Act, 1889, extend to oaths and affidavits required by any special provisions in any Act or otherwise to be made before a justice of the peace, or any particular person or officer, and it is expedient to remove such doubts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Affidavit, &c. may be made before commissioner at any place.

1. Where by or under any Act, or in pursuance of any law, statute, ordinance, regulation or custom, any oath or affidavit is required to be taken or made before any particular person or officer, whether having special authority or otherwise, and whether at any particular place, or within any specified limits or otherwise, such oath or affidavit may be taken or made before a commissioner for oaths, at any place, and shall be as effectual to all intents and purposes as if taken or made before such person or officer, and at any particular place or within specified limits.

Construction and short title.

2. This Act shall be read with the Commissioners for Oaths Act, 1889, and may be cited as the Commissioners for Oaths Act, 1891, and the Commissioners for Oaths Act, 1889, and this Act may be cited together as the Commissioners for Oaths Acts, 1889 and 1891.

Commissioners for Oaths Act (1889) Amendment.

A

B I L L

To amend the Commissioners for Oaths Act, 1889.

(*Prepared and brought in by*
Sir Albert Rollit, Mr. Henry H. Fowler, Mr. Whitley, Mr. Haldane, Mr. Winterbotham, Mr. Chance, and Mr. Rowntree.)

Ordered, by The House of Commons, *to be Printed*, 11 *March* 1891.

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[Bill 244.]

Companies Act (1862) Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Construction of Act.
3. Commencement.
4. Provisional registration.
5. Fees on registration.
6. Conditions of complete registration.
7. Subscriptions to be returned if certificate of complete registration not granted.
8. Particulars to be disclosed in prospectus.
9. Balance sheet.
10. Provisions as to valuation of plant, &c.
11. Copy of register of mortgages and charges to be filed.
12. Definitions.

A

B I L L

TO

Amend the Companies Act, 1862.

A.D. 1890.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Companies Act, 1891.

Construction of Act.

2. This Act shall, so far as is consistent with the tenor thereof, be construed as one with the Companies Acts, 1862 to 1886, and the said Acts and this Act may be referred to as the Companies Acts, 1862 to 1891.

Commencement.

3. This Act shall come into operation on the *first day of September, one thousand eight hundred and ninety-one.*

Provisional registration.

4.—(1.) On the registration after the commencement of this Act of the memorandum of association of a company limited by shares, and of the articles of association, if any, then, unless the conditions required by this Act for complete registration are complied with, the registrar of joint stock companies shall grant a certificate of provisional registration only (in this Act called a provisional certificate).

(2.) A provisional certificate shall be in force for three months from its date.

(3.) On the grant of a provisional certificate the company shall, during the period for which the certificate is in force, be a body corporate by the name mentioned in the memorandum of association, for the purpose of issuing a prospectus, allotting any share or debenture capital of the company which may be applied for, receiving the amounts payable in respect of such share and debenture capital, and for any other object connected with the formation of the company, but not so as to enable the company to carry on the business or objects set forth in the memorandum of association.

A.D. 1890.

(4.) A company provisionally registered shall, so long as the provisional certificate is in force, and until it obtains complete registration, be described as provisionally registered in every document issued by or on behalf of the company, and if in any such document it is not so described, every person who directly or indirectly issues or authorises the issue of the document shall be liable to a penalty not exceeding *fifty pounds*.

(5.) The registrar may, on the application of the company, extend the duration of a provisional certificate for successive periods not exceeding one month each, but so that such duration shall not in any case exceed six months from the date when the certificate was first granted.

Fees on registration.

5.—(1.) There shall be paid on the provisional registration of a company limited by shares a fee of *two pounds*, and the balance, if any, of the fees payable for registration of the company shall be paid on the complete registration thereof.

(2.) There shall be paid for every extension of a provisional certificate a fee of *one pound*.

Conditions of complete registration.

6.—(1.) On application for the complete registration of a company limited by shares, there shall be filed with the registrar a statement showing the following particulars; namely,—

(*a.*) The nominal amount of the capital of the company and of the shares into which the capital is divided;

(*b.*) The number of shares allotted;

(*c.*) The total amount of debentures allotted;

(*d.*) The total amount paid up in cash on the shares and debentures allotted, and the name and address of the bankers with whom the cash so paid is deposited;

(*e.*) The names of the holders of the shares allotted, and the number of shares held by each person;

(*f.*) The amount paid up in cash by each shareholder;

(*g.*) The number of shares allotted as fully or in part paid up, and the amount credited as paid thereon;

(*h.*) That an extraordinary resolution of the shareholders authorising application to be made for a certificate of complete registration has been duly passed, with the date when the same was passed, or, if the capital of the company has been raised by private subscription without the issue of a prospectus to the public, a statement of the fact.

(2.) The statement aforesaid shall be verified by a statutory declaration made by each of the persons who are at the time of the

application directors and secretary of the company, and by a receipt from the bankers with whom the cash referred to in the statement appears thereby to be deposited. A.D. 1890.

(3.) A company shall not obtain complete registration unless it appears from the statement aforesaid—

(*a*) That not less than three-fourths of the shares into which the capital of the company is divided have been allotted;

(*b*) That not less than *one-fifth* of the nominal amount of every share allotted subject to payment in cash has been paid in cash;

(*c*) That an extraordinary resolution to apply for a certificate of complete registration has been duly passed, or that the capital of the company has been raised by private subscription without the issue of a prospectus to the public.

(4.) On proof to the satisfaction of the registrar that the conditions required by this section for complete registration have been complied with, the registrar shall grant a certificate that the company is completely incorporated, and that certificate shall have the same effect as a certificate of incorporation granted under the Companies Act, 1862.

Subscriptions to be returned if certificate of complete registration not granted.

7. If before a provisional certificate expires, a certificate of complete registration is not obtained, the sums received from applicants for shares or debentures of the company after deducting any expenses properly incurred by the company, in doing any things which are by this Act authorised to be done during the period for which a provisional certificate is in force, not exceeding *two and a half* per cent. upon the nominal amount of the share capital of the company, shall be repayable to the persons by whom the money was paid *pari passu*, within fourteen days after the date when the provisional certificate expires, and if not repaid within that time the directors shall be jointly and severally liable to repay the same with interest at the rate of *ten* per cent. per annum from the expiration of the fourteen days.

Particulars to be disclosed in prospectus.

8.—(1.) Every prospectus shall contain a copy of the memorandum of association, and a statement of the names, addresses, and occupations of the vendors, promoters, and directors, and of every person to whom any brokerage, underwriting, or other commission or promotion money has been or is to be paid, either by the company or the vendors, promoters, or any other person, and also the amount of such brokerage, commission, and promotion money.

(2.) Every prospectus shall also specify the dates and names of the parties to any contract entered into by the company or the

A.D. 1890.

vendors, promoters, directors, or trustees thereof before the issue of the prospectus, whether subject to adoption by the directors or the company, or otherwise provided that this subsection shall not apply to a contract entered into in the ordinary course of the business carried on, or intended to be carried on by the company.

(3.) A prospectus which does not comply with this section shall be deemed to be fraudulent on the part of the company, and the promoters, directors, and officers of the company knowingly issuing the same as regards any person taking shares or debentures on the faith of such prospectus, unless he has notice of the particulars omitted from the prospectus.

(4.) Any condition requiring an applicant for shares or debentures to waive due compliance with this section, or purporting to affect him with notice of any document or matter not specifically referred to in the prospectus, shall be void.

(5.) Section thirty-eight of the Companies Act, 1867, is hereby repealed.

Balance sheet.

9.—(1.) The directors of every company limited by shares and registered after the commencement of this Act shall, notwithstanding anything to the contrary in the regulations of the company, once at least in every year lay before the company in general meeting a balance sheet made up to a date not more than three months before the meeting, and shall either cause a printed copy of such balance sheet to be sent to the registered address of every member of the company seven days at least before the meeting at which it is to be laid before the company, or cause a copy of such balance sheet to be deposited at the registered office of the company for the information of the shareholders for a convenient time, of which due notice shall be given.

(2.) If default is made in complying with this section, each director of the company shall be liable to a fine not exceeding *ten pounds* for each day during which the default continues.

(3.) The Board of Trade may, for special reasons, exempt any company from the requirements of this section.

Provisions as to valuation of plant, &c.

10.—(1.) Where the assets of a company registered after the commencement of this Act consist wholly or partly of plant or property, the annual balance sheet of the company shall state the annual rate and amount of depreciation (if any) which has been deducted from the last balance sheet value of the plant or property, and shall have appended to it a detailed list showing the cost of all items which have been added to capital account since the issue of the last balance sheet.

(2.) Every auditor of the accounts of any such company shall certify on the balance sheet of the company whether the declared rate and amount of depreciation has been properly deducted, and whether the cost of the additions to capital account is correct according to the books of account.

(3.) If any such auditor fails to give the certificate required by this section, or gives such a certificate falsely, he shall be liable to a penalty not exceeding *fifty pounds*.

(4.) If any director of any such company signs or authorises the issue of a balance sheet which does not contain and have appended to it the statements required by this section, he shall be liable to a penalty not exceeding *fifty pounds*.

Copy of register of mortgages and charges to be filed.

11.—(1.) A copy of the register of mortgages and charges by section fifty-three of the Companies Act, 1862, required to be kept, shall be filed with the registrar at the end of every quarter, unless no alteration or addition has been made in the Register during the preceding quarter.

(2.) If default is made in complying with this section, every director, manager, or other officer of a company, who knowingly and wilfully authorises or permits such default, shall be liable to a penalty not exceeding *fifty pounds*.

Definitions.

12. In this Act, unless the context otherwise requires.—

"Prospectus" includes a notice or advertisement offering for subscription or inviting subscriptions for any shares or debentures of a company.

"Registered" means registered under the Companies Acts, 1862 to 1891.

"Debentures" and "debenture capital" include bonds, debenture stock, and other securities.

Other expressions have the same meanings as in the Companies Act, 1862.

Companies Act (1862) Amendment.

A

B I L L

To amend the Companies Act, 1862.

(*Prepared and brought in by Mr. Hoyle, Sir William H. Houldsworth, Mr. Howell, Mr. Mowbray, and Mr. T. H. Sidebottom.*)

Ordered, by The House of Commons, *to be Printed*, 4 *December* 1890.

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[Bill 146.]

Conspiracy Law Amendment Bill.

MEMORANDUM.

By the Conspiracy and Protection of Property Act, 1875, it is provided (section 3) that "an agreement or combination by two or "more persons to do or procure to be done any act *in contemplation* "*or furtherance of a trade dispute between employers and workmen* "shall not be indictable as a conspiracy, if such act committed by "one person would not be punishable as a crime."

The object of this Bill is to make the foregoing enactment general by omitting the words printed in italics.

The other provisions of section 3 of the Conspiracy and Protection of Property Act, 1875, are reproduced in clause 3 of the Bill, with some alterations, the most important of which is the introduction of certain additional exceptions, viz., *conspiracies to bring false accusations, conspiracies to pervert justice, conspiracies to defile women, conspiracies to defraud, and conspiracies to prevent by force the collection of rates and taxes.*

The clause will thus declare the law of criminal conspiracy substantially in the terms proposed by the Criminal Code Bill Commissioners (Lord Blackburn, Lord Justice Barry, the late Lord Justice Lush, and Mr. Justice Stephen) in 1879. The Commissioners reported as follows on the provisions relating to this subject in the Draft Code appended to their Report:—

"We have taken the responsibility of recommending that crimes should no longer be indictable at common law, but only under the provisions of the Draft Code or some other Act in force for the time being. . . . Section 5 will thus have the effect of *preventing indictments at common law for conspiracy.* The sections of the Draft Code which deal with this subject comprise treasonable conspiracies (section 79), seditious conspiracies (section 102), conspiracies to bring false accusations (section 126), conspiracies to pervert justice (section 127), conspiracies to defile women (section 149), conspiracies to murder (section 180), conspiracies to defraud (section 284), conspiracies to commit indictable offences (sections 419, 420), and conspiracies to prevent by force the collection of rates and taxes (section 421) . . . .

"There is not, perhaps, any distinct authority for the proposition that there are at common law any criminal conspiracies other than those referred to, but some degree of obscurity exists on the subject. An agreement to do an unlawful act has been said to be a conspiracy, but as no definition has been found of what constitutes unlawfulness, it seems to us unsatisfactory that there should be any indictable offence of which the elements should be left in uncertainty and doubt."

A

B I L L

TO

Amend the Law of Conspiracy.

A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Conspiracy Law Amendment Act, 1891.

Commencement of Act.

2. This Act shall come into operation on the *first day of September one thousand eight hundred and ninety-one.*

Amendment of the law of conspiracy.

3. Subject to the provisions of this Act an agreement or combination by two or more persons to do or procure to be done any act shall not be punishable as a conspiracy if such act committed by one person would not be punishable as a crime.

Nothing in this Act shall affect the law relating to riot, unlawful assembly, breach of the peace or sedition, or any offence against the State or the Sovereign, or to conspiracies to bring false accusations, conspiracies to pervert justice, conspiracies to defile women, conspiracies to defraud, or conspiracies to prevent by force the collection of rates and taxes.

A crime for the purpose of this Act means an offence punishable on indictment, or an offence which is punishable on summary conviction, and for the commission of which the offender is liable under the statute making the offence punishable to be imprisoned either absolutely or at the discretion of the Court as an alternative for some other punishment.

When a person is convicted of an agreement or combination to do or procure to be done an act which is punishable only on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed *three months* or such longer time, if any, as may have been prescribed by the statute for the punishment of the said act when committed by one person.

A.D. 1891.

Intimidation.

4. For the purposes of the seventh section of the Conspiracy and Protection of Property Act, 1875, intimidation shall mean and include only such intimidation as would justify a justice of the peace on complaint made to him in binding over the person so intimidating to keep the peace.

Repeal.

5. The third section of the Conspiracy and Protection of Property Act, 1875, is hereby repealed as from the commencement of this Act.

Conspiracy Law Amendment.

A

B I L L

To amend the Law of Conspiracy.

(Prepared and brought in by Mr. Edmund Robertson, Mr. Shaw Lefevre, Mr. Broadhurst, and Mr. William Hunter.)

Ordered, by The House of Commons, *to be Printed,* 26 *November* 1890.

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and 21, Drury Street, Glasgow; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* 1*d.*]

[Bill 15.]

Consular Salaries and Fees Bill.

MEMORANDUM.

It is proposed by this Bill to repeal the whole of 6 Geo. 4. c. 87., and to re-enact, with the necessary modifications, the repealed provisions, except ss. 10–15 (which relate to churches, chaplains, hospitals, and burial grounds). These sections it is proposed to keep in force as to existing churches, &c., but not to re-enact as to future churches, &c.

S. 19 of the Act of 1825 is unnecessary now that Consular Salaries are no longer charged on the Civil List and are paid out of moneys voted by Parliament.

S. 18 of the Act is also sufficiently provided for by instructions to consuls.

A

B I L L

TO

Amend the Law relating to the Salaries and Fees of Consular Officers.

A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Salaries of consular officers. [6 Geo. 4. c. 87. ss. 1, 2, 3, 9.]

1.—(1.) There may be granted to a consular officer, out of money provided by Parliament, such remuneration and allowance for expenses as may from time to time be fixed by a Secretary of State with the approval of the Treasury.

(2.) Such remuneration and allowance shall be received by a consular officer so long only as he actually discharges the duties of his office: Provided that if a consular officer is absent from his post with the sanction of the Secretary of State, he may receive the whole or such part of the remuneration or allowance accruing during his leave of absence as the Secretary of State with the approval of the Treasury may by regulation direct.

Power to fix consular fees. [6 Geo. 4. c. 87. ss. 4–7, 21.]

2.—(1.) It shall be lawful for Her Majesty the Queen, by Order in Council, to fix the fees to be taken in respect of any matter or thing done by a consular officer in the execution of his office, and to vary such fees by way of increase or decrease, and to abolish fees, and to create new fees.

(2.) All such fees shall be levied, accounted for, and applied, and may be remitted, in accordance with regulations issued by the Secretary of State with the approval of the Treasury.

(3.) A consular officer shall not, save as may be provided by any Order in Council under this Act, ask for or take any fee or reward for or on account of any act, thing, or service done, performed, or rendered by him in the execution of his office, and if he does, he

A.D. 1891.

shall, without prejudice to any other liability, be liable for each offence to a fine not exceeding *one hundred pounds*, recoverable in the High Court, by information on the part of Her Majesty's Attorney General.

(4.) Tables of the fees which may, for the time being, be taken under any Order in Council issued in pursuance of this Act shall be published and exhibited in a conspicuous manner for the inspection of all persons at the custom houses of the United Kingdom; and a printed copy thereof shall be given by every chief officer of customs, at a port of the United Kingdom, gratuitously to every master of a vessel clearing out of that port who requests the same.

(5.) Every consular officer shall hang up and exhibit in a conspicuous place in his consular office a copy of the table of fees to be taken under any Order in Council issued in pursuance of this Act, and shall permit the same to be inspected by any person interested therein.

Definition of consular officer.

3. In this Act the expression "consular officer" includes consul-general, consul, vice-consul, consular agent, pro-consul, and any person for the time being authorised to perform the duties of consul-general, consul, vice-consul, or consular agent.

Repeal of part of 6 Geo. 4. c. 87.

4. The Act mentioned in the schedule to this Act is hereby repealed to the extent in the third column of that schedule mentioned.

Provided that any Order in Council issued under any enactment repealed by this Act, and in force at the commencement of this Act, shall continue in force as if it had been issued in pursuance of this Act.

Short title.

5. This Act may be cited as the Consular Salaries and Fees Act, 1891.

SCHEDULE.

ACT REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
6 Geo. 4. c. 87. -	An Act to regulate the payment of salaries and allowances to British consuls at foreign ports, and the disbursements at such ports for certain public purposes.	The whole Act so far as unrepealed, except sections ten to fifteen, so far as they relate to any church, hospital, chapel, or burial ground for which, or to the office of any chaplain for whom, provision is being made, at the commencement of this Act, out of money provided by Parliament.

Consular Salaries and Fees.

A

B I L L

To amend the Law relating to the Salaries and Fees of Consular Officers.

(*Prepared and brought in by Sir James Fergusson and Mr. Jackson.*)

Ordered, by The House of Commons, *to be Printed,* 30 *June* 1891.

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HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* 1*d.*]

[Bill 398.]

Contagious Diseases (Animals) Bill.

The object of this Bill is to give effect to some of the recommendations of the Transatlantic Cattle Trade Committee.

The Committee were of opinion that the Board of Agriculture should make regulations from time to time with regard—

(*a.*) to the parts of the vessel in which animals may be carried, and the space to be allotted to each animal;

(*b.*) to the size and construction of the fittings and the pens and the width of the passageways;

(*c.*) to the provision of adequate lighting and ventilation; and

(*d.*) generally for protecting the animals from unnecessary suffering during the passage by sea.

They also recommended that powers of inquiry, similar to those which are now possessed by the Board of Trade under the provisions of the Merchant Shipping Acts, should be conferred upon the Board of Agriculture with regard to casualties and losses among cattle during their transit by sea.

Under s. 32 of the Contagious Diseases (Animals) Act, 1878, (41 & 42 Vict. c. 74) the Board of Agriculture have power to make general or special orders (amongst other things)—

"(xxiii.) For ensuring for animals carried by sea a proper supply of food and water and proper ventilation during the passage and on landing;

"(xxiv.) For protecting them from unnecessary suffering during the passage and on landing.

It is proposed by the Bill—

(1.) To give the powers of inquiry recommended by the Committee; and

(2.) To provide that general orders made under the above provisions shall be laid before Parliament.

[Bill 374.]

A

B I L L

TO

Amend the Contagious Diseases (Animals) Acts, 1878 to 1890, with respect to the Conveyance of Animals by Sea. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Additional powers for inspection of cattle vessels.

1.—(1.) The Board of Agriculture may appoint any person as an inspector to report to the Board with respect to any vessel used for the conveyance of foreign or other animals to or from any port in the United Kingdom on all or any of the following matters, that is to say:—

(i.) On the nature and causes of any loss of life or suffering amongst animals conveyed on the vessel; and

(ii.) Whether the provisions of the Contagious Diseases (Animals) Acts, 1878 to 1891, or of any order of the Board made thereunder have, as respects the vessel, been complied with; and

(iii.) Whether the vessel and the arrangements therein are in all respects fit for the conveyance of the animals conveyed or to be conveyed thereon.

(2.) Every such inspector shall, for the purpose of making his report to the Board, have, in addition to the powers of an inspector under section fifty-one of the Contagious Diseases (Animals) Act 1878, the powers of an inspector under sections fifteen and sixteen of the Merchant Shipping Act, 1854, and those sections and any enactment amending the same shall apply accordingly as if the inspector appointed by the Board of Agriculture were an inspector appointed by the Board of Trade in pursuance of section fourteen of the Merchant Shipping Act, 1854.

41 & 42 Vict. c. 74.
17 & 18 Vict. c. 104.

Laying of orders before Parliament.

2. Every general order made by the Board of Agriculture under section thirty-two of the Contagious Diseases (Animals) Act, 1878, for ensuring for animals carried by sea a proper supply

A.D. 1891.

of food and water and proper ventilation during the passage and on landing, or for protecting them from unnecessary suffering during the passage and on landing, shall be laid before both Houses of Parliament forthwith after the making thereof if Parliament is then sitting, and if Parliament is not sitting then forthwith after the next meeting of Parliament.

Short title and construction.

3. This Act may be cited as the Contagious Diseases (Animals) Act, 1891, and shall be construed as one with the Contagious Diseases (Animals) Acts, 1878 to 1890, and those Acts, and this Act may be cited together as the Contagious Diseases (Animals) Acts, 1878 to 1891.

Contagious Diseases (Animals).

A

B I L L

To amend the Contagious Diseases (Animals) Acts, 1878 to 1890, with respect to the Conveyance of Animals by Sea.

(Prepared and brought in by Mr. Chaplin, Sir M. Hicks-Beach, and Mr. Forwood.)

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[*Price* ½*d.*]

[Bill 374.]

Conveyancing and Law of Property Act, 1881, Amendment Bill.

MEMORANDUM.

The object of this Bill is to give additional security to leasehold property.

The fourteenth section of the Conveyancing and Law of Property Act, 1881, gives relief, on equitable terms, against forfeiture of leases for breach of covenant; but subsection 6 excludes certain cases from this relief.

This subsection is as follows:—

"(6.) This section does not extend—

"(i.) To a covenant or condition against the assigning, under-
" letting, parting with the possession, or disposing of the
" land leased, or to a condition for forfeiture on the
" bankruptcy of the lessee, or on the taking in execution
" of the lessee's interest; or

"(ii.) In case of a mining lease, to a covenant or condition
" for allowing the lessor to have access to or inspect books,
" accounts, records, weighing-machines, or other things,
" or to enter or inspect the mine or the workings thereof."

The Bill repeals this subsection.

The Courts will then possess full power to relieve from forfeiture in all cases upon fair terms.

The present state of the law has been recently illustrated by the decision in the action of Barrow *v.* Isaacs (Times Reports, 10th December 1890), where a lessor actually ejected his lessee for underletting without consent, although it was admitted that such consent could not have been refused if it had been applied for, as the lease contained a provision that the consent was not to be arbitrarily withheld, and that the under-lessees were most desirable and responsible parties.

The Bill also proposes to give some protection to under-lessees from liability to have their under-leases destroyed through the acts,

neglects, and defaults of others interested in superior leases and in property held under the same superior leases, and proposes to do so on the lines of existing legislation and decided cases in the law courts protecting innocent parties from the consequences of disclaimer (by bankruptcy trustees) of leases and other deeds containing onerous covenants. The Bill goes a long way towards rendering under-leases as safe as leases.

A doubt having been suggested in the case of Coatsworth *v.* Johnson (54 L.T. 520) as to whether the holders of only *agreements* for leases are entitled to relief from forfeiture, the Bill will set the matter at rest by putting agreements (for leases) and leases on the same footing.

There is also a provision in the Bill that all covenants or agreements in leases against assignment or underletting or parting with the possession of the property leased without licence or consent shall be deemed to be subject to a proviso to the effect that such licence or consent shall not be unreasonably withheld, and that no fines shall be exacted for the granting of such licences or consents. In practice it has been found that occasionally landlords without giving any reason refuse permission to lessees to assign or underlet, and sometimes exact pecuniary consideration for granting licences and consents, and the Bill will prevent such proceedings in future.

A

B I L L

TO

Amend the Conveyancing and Law of Property Act, 1881, with reference to Leaseholds. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, as follows:

Preliminary.

Short title, commencement, extent. 44 & 45 Vict. c. 41. 45 & 46 Vict. c. 39.

1.—(1.) This Act may be cited as the Conveyancing and Law of Property (Leaseholds) Amendment Act, 1891, and the Conveyancing and Law of Property Act, 1881, and the Conveyancing Act, 1882, and this Act shall be read together and may be cited together as the Conveyancing Acts, 1881, 1882, and 1891.

(2.) This Act shall commence and take effect immediately on the *passing* thereof.

(3.) This Act does not extend to Scotland.

Leases, Under-leases, Forfeiture.

Repeal of subsection 6, section 14, of 44 & 45 Vict. c. 41.

2. Subsection six of section fourteen of the Conveyancing and Law of Property Act, 1881, is hereby repealed.

Licence to assign or underlet not to be unreasonably withheld, and no fine to be exacted for same.

3. In all leases containing a covenant, condition, or agreement against assigning, underletting, or parting with the possession, or disposing of the land or property leased without licence or consent, such covenant, condition, or agreement shall be deemed to be subject to a proviso to the effect that such licence or consent shall not be unreasonably withheld, and no fine or sum of money in the nature of a fine shall be payable for or in respect of such licence or consent.

A.D. 1891.

Power of court to protect under-lessees on forfeiture of superior leases.

4. Where a lessor is proceeding by action or otherwise to enforce a right of re-entry or forfeiture under any covenant, proviso, or stipulation in a lease the court may, on application by any person claiming as under-lessee any estate or interest in the property comprised in the lease or any part thereof either in the lessor's action (if any) or in any action brought by such person for that purpose, make an order vesting for the whole term of the lease or any less term the property comprised in the lease or any part thereof in any person entitled as under-lessee to any estate or interest in such property upon such conditions, as to execution of any deed or other document, payment of rent, costs, expenses, damages, compensation, giving security, or otherwise, as the court in the circumstances of each case shall think fit.

Extension of definition "lease," "under-lease," and "under-lessee."

5. In section fourteen of the Conveyancing and Law of Property Act, 1881 as amended by this Act, and in this Act "lease" shall also include an agreement for a lease, and "under-lease" shall also include an agreement for an under-lease, and in this Act "under-lessee" shall include any person deriving title under or from an under-lessee.

Conveyancing and Law of Property Act, 1881, Amendment.

A

B I L L

TO

Amend the Conveyancing and Law of Property Act, 1881, with reference to Leaseholds.

(*Prepared and brought in by Mr. T. H. Bolton, Mr. Warmington, Mr. Kimber, and Mr. H. P. Cobb.*)

Ordered, by The House of Commons, *to be Printed,* 26 *November* 1890.

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[*Price* 1*d.*]

[Bill 5.]

Conveyancing and Law of Property Act, 1881, Amendment Bill.

MEMORANDUM ON BILL AS AMENDED IN COMMITTEE.

The object of this Bill is to give additional security to leasehold property, and to amend the Conveyancing and Law of Property Act of 1881 in some particulars found in practice to require amendment.

Under the Act of 1881 a right of re-entry for breach of covenant is not enforceable until the lessor serves on the lessee a notice specifying the particular breach complained of, and, if the breach is capable of remedy, requiring the lessee to remedy the breach, and *in any case requiring the lessee to make compensation in money for the breach*. This is inapplicable to breach of covenants against assigning or underletting without licence, parting with possesssion, bankruptcy, and suffering execution to be levied on the premises, and has become in practice a formality quite useless in such cases, involving expense and embarrassment. The Bill repeals this useless formality as to these covenants.

The Bill also gives a lessor the right to any reasonable expenses which he has properly incurred in consequence of defaults by the lessee where the lessee claims relief from forfeiture.

The fourteenth section of the Act of 1881, giving relief, on equitable terms, against forfeiture of leases for breach of covenant, excludes from such relief a covenant or condition for forfeiture on the bankruptcy of the lessee, or on the taking in execution of the lessee's interest. The Bill amends this by giving the Court power to prevent a forfeiture for bankruptcy when the bankrupt's interest is assigned within a year, or where the property taken in execution is transferred within a year, the object being to prevent creditors of insolvent lessees being deprived of beneficial leases which in some cases are essential to a fair realization of the insolvent lessee's estate.

There is also a provision in the Bill that covenants or agreements in leases against assignment or underletting or parting with the possession of the property leased without licence or consent shall be deemed to be subject to a proviso to the effect that such licence or consent shall not be unreasonably withheld, and that no fines shall be exacted for the granting of such licences or

consents. In practice, it has been found that occasionally landlords, without giving any reason, refuse permission to lessees to assign or underlet, and sometimes exact pecuniary consideration for granting licences and consents, and the Bill will prevent such proceedings in future. Certain leases, where it might be considered that the lessor's absolute discretion, as to giving or withholding licence or consent ought to be maintained, are excepted from the operation of the Bill; and this is effected by the proviso in clause 3.

The Bill also proposes to give some protection to under-lessees from liability to have their under-leases destroyed through the acts, neglects, and defaults of others holding or interested in superior leases, and proposes to do so on the lines of existing legislation and decided cases in the law courts protecting innocent parties from the consequences of disclaimer (by bankruptcy trustees) of leases and other deeds containing onerous covenants. The Bill goes a long way towards rendering under-leases as safe as leases.

A doubt having been suggested in the case of Coatsworth *v.* Johnson (54 L.T. 520) as to whether the holders of only *agreements* for leases are entitled to relief from forfeiture, the Bill will set the matter at rest by putting agreements (for leases) and leases on the same footing.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Conveyancing and Law of Property Act, 1881, with reference to Leaseholds. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, as follows:

Preliminary.

Short title, commencement, extent. 44 & 45 Vict. c. 41. 45 & 46 Vict. c. 39.

1.—(1.) This Act may be cited as the Conveyancing and Law of Property (Leaseholds) Amendment Act, 1891, and the Conveyancing and Law of Property Act, 1881, and the Conveyancing Act, 1882, and this Act shall be read together and may be cited together as the Conveyancing Acts, 1881, 1882, and 1891.

(2.) This Act shall commence and take effect immediately on the passing thereof.

(3.) This Act does not extend to Scotland.

Leases, Under-leases, Forfeiture.

Conditions of actions for recovery.

2.—(1.) It shall not be necessary for a lessor before commencing an action for the recovery of land leased, on the ground of any breach of any covenant or condition against assigning, underletting, or parting with the possession, or disposing of the land leased, or on the ground of forfeiture on the bankruptcy of the lessee, or of the taking in execution of the lessee's interest, to serve on the lessee the notice required by sub-section one of section fourteen of the Conveyancing and Law of Property Act, 1881.

(2.) The lessor shall be entitled to recover as a debt due to him from the lessee, and in addition to damages (if any) all reasonable

A.D. 1891.

costs and expenses properly incurred by the lessor in the employment of a solicitor and surveyor or valuer, or otherwise, in reference to any breach giving rise to a right of re-entry or forfeiture which, at the request of the lessee, is waived by the lessor by writing under his hand, or from which a lessee is relieved, under the provisions of the Conveyancing and Law of Property Act, 1881, or of this Act.

(3.) Sub-section six of the before-mentioned section fourteen is to apply to a condition for forfeiture on bankruptcy of the lessee, or on taking in execution of the lessee's interest only after the expira- of one year from the date of the bankruptcy, or taking in execution, and provided the lessee's interest be not sold within such one year, but in case the lessee's interest be sold within such one year, sub-section six shall cease to be applicable thereto.

Licence to assign or underlet not to be unreasonably withheld, and no fine to be exacted for same.

3.—(1.) In all leases containing a covenant, condition, or agreement against assigning, underletting, or parting with the possession, or disposing of the land or property leased without licence or consent, such covenant, condition, or agreement shall be deemed to be subject to a proviso to the effect that such licence or consent shall not be unreasonably withheld, and no fine or sum of money in the nature of a fine shall be payable for or in respect of such licence or consent.

(2.) Provided that, in any case coming within the operation of this section, the lessor may require the assignee or under-lessee, or other person to whom possession is given, at his own cost to produce to the lessor or his agent, and allow him to inspect and make a note of the deed of assignment or under-lease, or other document transferring possession, and to pay a reasonable fee to the agent of the lessor for making the inspection and note, and also to execute and deliver to the lessor a deed of covenant on the part of such assignee, under-lessee, or other person to pay the rent reserved by and to observe and perform the covenants and conditions of the lease, and any licence or consent given by the lessor shall in such case become void if such deed of assignment, under-lease, or other document be not produced, or if a reasonable fee be not paid or tendered as aforesaid within six months from the date of such assignment, under-lease, or other document, or if such deed of covenant be not executed and delivered to the lessor or his agent within the same time.

(3.) This section, and sub-section three of section two, are not to apply to any lease of—

(*a.*) Agricultural land.

(*b.*) Mines or minerals.

(*c.*) A house used or intended to be used as a public-house or beershop.

(*d.*) A house let as a dwelling-house, with the use of any furniture, library, works of art, or other chattels not being in the nature of fixtures.

(*e.*) Any property with respect to which the personal qualifications of the tenant are of importance for the preservation of the value or character of the property.

Power of court to protect under-lessees on forfeiture of superior leases.

4. Where a lessor is proceeding by action or otherwise to enforce a right of re-entry or forfeiture under any covenant, proviso, or stipulation in a lease, the court may, on application by any person claiming as under-lessee any estate or interest in the property comprised in the lease or any part thereof either in the lessor's action (if any) or in any action brought by such person for that purpose, make an order vesting for the whole term of the lease or any less term the property comprised in the lease or any part thereof in any person entitled as under-lessee to any estate or interest in such property upon such conditions, as to execution of any deed or other document, payment of rent, costs, expenses, damages, compensation, giving security, or otherwise, as the court in the circumstances of each case shall think fit, and in no case shall any such under-lessee be entitled to require a lease to be granted to him for any longer term than he had under his original sub-lease.

Extension of definition "lease," "under-lease," and "under-lessee."

5. In section fourteen of the Conveyancing and Law of Property Act, 1881, as amended by this Act, and in this Act, "lease" shall also include an agreement for a lease where the lessee has become entitled to have his lease granted, and "under-lease" shall also include an agreement for an under-lease where the under-lessee has become entitled to have his under-lease granted, and in this Act "under-lessee" shall include any person deriving title under or from an under-lessee.

Conveyancing and Law of Property Act, 1881, Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Conveyancing and Law of Property Act, 1881, with reference to Leaseholds.

(*Prepared and brought in by Mr. T. H. Bolton, Mr. Warmington, Mr. Kimber, and Mr. H. P. Cobb.*)

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[*Price* 1*d.*]

[Bill 427.]

A

B I L L

TO

Facilitate the rebuilding of the Court Houses for the county of Cork and city of Cork, and for other purposes. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, as follows:

Appointment of Commissioners.

1.—(1.) The following persons (that is to say) Joseph Pike, High Sheriff of the county of Cork, Colonel Edmund Anderson Shuldham, Sir George St. John Colthurst, Baronet, Richard Edmund Longfield, William Richard Meade, Savage French, John McCarthy O'Leary, John Warren Payne-Sheares, Joseph Bullen Johnson, and Dominick Ronayne Patrick Sarsfield are constituted Commissioners under this Act for carrying into effect the rebuilding and refitting of the County Court House, and shall have and exercise in that behalf the powers and authorities provided by this Act.

(2.) If any vacancy occurs in the office of any Commissioner by reason of death, resignation, or otherwise, the Lord Lieutenant may, by writing under his hand, appoint some other fit person to fill the vacancy.

(3.) Any power or Act by this Act vested in or authorised to be done by the Commissioners may be exercised or done by any five of them.

Powers of Commissioners.

2. The Commissioners in rebuilding the County Court House may do all such acts and things as may be deemed necessary or convenient for carrying this Act into effect, and in particular without limiting the foregoing provision. The following powers are hereby authorised:—

(1.) The Commissioners may do all things necessary to ascertain the amount of compensation payable under policies of

A.D. 1891.

insurance against fire in respect of the County Court House, and may agree with the insurance companies in whose offices such policies were effected as to the amount of compensation properly payable in respect thereof, and when the treasurer is paid the amount due by the insurance companies, notwithstanding anything to the contrary contained in the Grand Jury Act, the amount received by him shall be paid to the Commissioners.

(2.) The Commissioners may advertise for specifications, maps, plans, sections, and elevations from professional architects for the erection of the County Court House, and may select and approve of plans, and may employ an architect to superintend the erection of the County Court House.

(3.) The Commissioners may pay a sum not exceeding *one hundred pounds*, in such proportions as they may think fit, as remuneration to any one or more of the architects whose plans for the rebuilding of the County Court House may, in the opinion of the Commissioners, be the best plans submitted to them, and may pay such sum as they may think reasonable as payment to any architect employed by them in superintending the said rebuilding.

(4.) The Commissioners may accept tenders and enter into contracts for the rebuilding of the County Court House, the total of such contracts not to exceed the sum of *twenty thousand pounds*, including such sums as may be received from the insurance companies, and it shall not be necessary that such contracts or the plans or specifications thereof should be approved of by the grand jury or by presentment sessions of the county of Cork at large.

(5.) The Commissioners and the Corporation may if they think fit, and to such an extent as they may deem advisable, unite with each other in entering into any contracts comprising or including the rebuilding or completion of the City Court House or any part thereof as well as the rebuilding or completion of the County Court House or any part thereof provided that in any such contract the sum to be paid in respect of the works relating to the County Court House shall be specified.

(6.) The Commissioners may, pending the rebuilding of the County Court House, hire, rent, or otherwise make available such buildings, offices, and places as they may deem necessary for the proper carrying on of the administration of justice, and of the discharge of the fiscal and other public business of the

county of Cork, and may procure such furniture and fittings for such buildings as are in their opinion necessary for the purposes aforesaid, and may sell and dispose of the same so soon as they shall be no longer necessary for the said purposes, and the moneys arising from such sale and disposal shall be deemed to be moneys coming to their hands under the provisions of this Act.

(7.) The Commissioners and the Corporation may agree with each other as to what portion of the site on which the County Court House and the City Court House lately stood shall be allocated for the respective purposes of the County Court House and of the City Court House.

(8.) No Commissioner shall be personally liable for anything properly done by him in exercise of the provisions of this Act.

(9.) When and so soon as the County Court House is rebuilt as provided by this Act it shall remain vested in the High Sheriff of the county of Cork for the time being, and the Commission constituted by this Act shall be dissolved and shall thenceforth cease to exist, and the grand jury shall present and pay, satisfy, and discharge any proper liabilities, debts, and engagements of the Commissioners which may be then outstanding, unsatisfied, and unperformed with reference to the rebuilding of the County Court House.

Presentments for rebuilding of County Court House and for hire of temporary premises.

3. The grand jury shall in the manner provided by section sixty-nine of the Grand Jury Act, but without previous application to presentment sessions present such moneys as may be required for the rebuilding of the County Court House and for providing fittings and furniture therefor, and may, without previous application to presentment sessions, present all such moneys as may be necessary for the payment of the hire, rent, repairs, rates, and taxes of any buildings hired or rented by the Commissioners in pursuance of sub-section (six) of section two of this Act, and for providing the furniture and fittings for such buildings.

Application of moneys by Commissioners.

4. The Commissioners shall apply the moneys to be received by them on account of the said policies of insurance and other moneys coming to their hands under the provisions of this Act in manner following (that is to say):—

(1.) In and towards discharging and paying any liabilities, costs, charges, and expenses heretofore or hereafter incurred by or on behalf of the grand jury since the destruction by fire of the County Court House with reference to the hiring of or renting

A.D. 1891.

buildings, offices, and places, and with reference or incidental to the passing of this Act.

(2.) In and towards discharging and paying any liabilities, costs, charges, and expenses hereafter incurred by the Commissioners in carrying into effect the objects and purposes of this Act with reference to the rebuilding and refitting of the County Court House.

Salary of County Court House keeper.

5. Notwithstanding anything to the contrary contained in the Grand Jury Act it shall be lawful for the grand jury at each assizes to present a sum not exceeding *twenty-five pounds* for the half-yearly salary of the Court House keeper of the County Court House.

Remuneration to architects by Corporation.

6. The Corporation may do all such acts and things as may be deemed necessary or convenient for the rebuilding of the City Court House and in particular without limiting the foregoing power may pay a sum not exceeding *one hundred pounds* in such proportions as they may think fit as remuneration to anyone or more of the architects whose plans for the rebuilding of the City Court House may in the opinion of the Corporation be the best plans submitted to them and may pay such sum as they may think reasonable as payment to any architect employed by them in superintending the said rebuilding.

Salary of City Court House keeper.

7. Notwithstanding anything to the contrary contained in the Grand Jury Act or any other Act it shall be lawful for the Corporation to pay a sum not exceeding *twenty-five pounds* for the half-yearly salary of the Court House keeper of the City Court House.

8. The Lord Lieutenant may by order, pending the rebuilding of the County and City Court Houses, appoint a place for holding the assizes for the county and county of the city of Cork, and for quarter sessions, and may by a like order revoke any former order and appoint any other place for such purposes, and such place shall so long as the order appointing the same remains in force be deemed to be within the county and county of the city of Cork for the purposes of such assizes and quarter sessions.

Interpretation.

9. In this Act, unless the context otherwise requires, the following expressions shall have the meanings respectively assigned to them namely :—

"City Court House" means the Court House for the city of Cork and the offices and appurtenances thereto.

"Commissioners" means the Commissioners for the time being acting in execution of this Act.

"Corporation" means the mayor, aldermen, and burgesses of the city of Cork acting by their council. A.D 1891.

"County Court House" means the Court House for the county of Cork and the county offices and appurtenances thereto.

"Grand jury" means the grand jury of the county of Cork.

"Grand Jury Act" means the Act of the session held in the sixth and seventh years of King William the Fourth, chapter one hundred and sixteen.

"Treasurer" means the secretary and treasurer of the county of Cork.

10. This Act may be cited as the Cork (County and City) Court Houses Act, 1891. Short title.

Cork (County and City) Court Houses.

A

B I L L

To facilitate the rebuilding of the Court Houses for the county of Cork and city of Cork, and for other purposes.

(Prepared and brought in by Mr. Attorney-General for Ireland and Mr. Arthur Balfour.)

Ordered, by The House of Commons, *to be Printed,* 1 *May* 1891.

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[*Price* 1*d.*]

[Bill 306.]

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Facilitate the rebuilding of the Court Houses for the county of Cork and city of Cork, and for other purposes. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, as follows:

Appointment of Commissioners.

1.—(1.) The following persons (that is to say) Joseph Pike, High Sheriff of the county of Cork, Colonel Edmund Anderson Shuldham, Sir George St. John Colthurst, Baronet, Richard Edmund Longfield, William Richard Meade, Savage French, John McCarthy O'Leary, John Warren Payne-Shearcs, Joseph Bullen Johnson, and Dominick Ronayne Patrick Sarsfield are constituted Commissioners under this Act for carrying into effect the rebuilding and refitting of the County Court House, and shall have and exercise in that behalf the powers and authorities provided by this Act.

(2.) If any vacancy occurs in the office of any Commissioner by reason of death, resignation, or otherwise, the Lord Lieutenant may, by writing under his hand, appoint some other fit person to fill the vacancy.

(3.) Any power or act by this Act vested in or authorised to be done by the Commissioners may be exercised or done by any five of them.

Powers of Commissioners.

2. The Commissioners in rebuilding the County Court House may do all such acts and things as may be deemed necessary or convenient for carrying this Act into effect, and in particular without limiting the foregoing provision. The following powers are hereby authorised:—

(1.) The Commissioners may do all things necessary to ascertain the amount of compensation payable under policies of

A.D. 1891.

insurance against fire in respect of the County Court House, and may agree with the insurance companies in whose offices such policies were effected as to the amount of compensation properly payable in respect thereof, and when the treasurer is paid the amount due by the insurance companies, notwithstanding anything to the contrary contained in the Grand Jury Act, the amount received by him shall be paid to the Commissioners.

(2.) The Commissioners may advertise for specifications, maps, plans, sections, and elevations from professional architects for the erection of the County Court House, and may select and approve of plans, and may employ an architect to superintend the erection of the County Court House.

(3.) The Commissioners may pay a sum not exceeding one hundred pounds, in such proportions as they may think fit, as remuneration to any one or more of the architects whose plans for the rebuilding of the County Court House may, in the opinion of the Commissioners, be the best plans submitted to them, and may pay such sum as they may think reasonable as payment to any architect employed by them in superintending the said rebuilding.

(4.) The Commissioners may accept tenders and enter into contracts for the rebuilding of the County Court House, the total of such contracts not to exceed the sum of twenty thousand pounds, including such sums as may be received from the insurance companies, and it shall not be necessary that such contracts or the plans or specifications thereof should be approved of by the grand jury or by presentment sessions of the county of Cork at large.

(5.) The Commissioners and the Corporation may if they think fit, and to such an extent as they may deem advisable, unite with each other in entering into any contracts comprising or including the rebuilding or completion of the City Court House or any part thereof as well as the rebuilding or completion of the County Court House or any part thereof provided that in any such contract the sum to be paid in respect of the works relating to the County Court House shall be specified.

(6.) The Commissioners may, pending the rebuilding of the County Court House, hire, rent, or otherwise make available such buildings, offices, and places, and may erect such temporary buildings as they may deem necessary for the proper carrying on of the administration of justice, and of the discharge of the fiscal and other public business of the

county of Cork, and may procure such furniture and fittings for such buildings as are in their opinion necessary for the purposes aforesaid, and may sell and dispose of the same so soon as they shall be no longer necessary for the said purposes, and the moneys arising from such sale and disposal shall be deemed to be moneys coming to their hands under the provisions of this Act.

(7.) The Commissioners and the Corporation may agree with each other as to what portion of the site on which the County Court House and the City Court House lately stood shall be allocated for the respective purposes of the County Court House and of the City Court House.

(8.) No Commissioner shall be personally liable for anything properly done by him in exercise of the provisions of this Act.

(9.) When and so soon as the County Court House is rebuilt as provided by this Act it shall remain vested in the High Sheriff of the county of Cork for the time being, and the Commission constituted by this Act shall be dissolved and shall thenceforth cease to exist, and the grand jury shall present and pay, satisfy, and discharge any proper liabilities, debts, and engagements of the Commissioners which may be then outstanding, unsatisfied, and unperformed with reference to the rebuilding of the County Court House.

Presentments for rebuilding of County Court House and for hire of temporary premises.

3. The grand jury shall in the manner provided by section sixty-nine of the Grand Jury Act, but without previous application to presentment sessions present such moneys as may be required for the rebuilding of the County Court House and for providing fittings and furniture therefor, and may, without previous application to presentment sessions, present all such moneys as may be necessary for the payment of the hire, rent, repairs, rates, and taxes of any buildings hired or rented by the Commissioners in pursuance of sub-section (six) of section two of this Act, and for providing the furniture and fittings for such buildings.

Application of moneys by Commissioners.

4. The Commissioners shall apply the moneys to be received by them on account of the said policies of insurance and other moneys coming to their hands under the provisions of this Act in manner following (that is to say):—

(1.) In and towards discharging and paying any liabilities, costs, charges, and expenses heretofore or hereafter incurred by or on behalf of the grand jury since the destruction by fire of the County Court House with reference to the hiring of, renting, or

A.D. 1891.

constructing buildings, offices, and places, and with reference or incidental to the passing of this Act.

(2.) In and towards discharging and paying any liabilities, costs, charges, and expenses hereafter incurred by the Commissioners in carrying into effect the objects and purposes of this Act with reference to the rebuilding and refitting of the County Court House.

Salary of County Court House keeper.

5. Notwithstanding anything to the contrary contained in the Grand Jury Act it shall be lawful for the grand jury at each assizes to present a sum not exceeding twenty-five pounds for the half-yearly salary of the Court House keeper of the County Court House.

Remuneration to architects by Corporation.

6. The Corporation may do all such acts and things as may be deemed necessary or convenient for the rebuilding of the City Court House and in particular without limiting the foregoing power may pay a sum not exceeding one hundred pounds in such proportions as they may think fit as remuneration to any one or more of the architects whose plans for the rebuilding of the City Court House may in the opinion of the Corporation be the best plans submitted to them and may pay such sum as they may think reasonable as payment to any architect employed by them in superintending the said rebuilding.

Salary of City Court House keeper.

7. Notwithstanding anything to the contrary contained in the Grand Jury Act or any other Act it shall be lawful for the Corporation to pay a sum not exceeding twenty-five pounds for the half-yearly salary of the Court House keeper of the City Court House.

Power to Lord Lieutenant of appointment of place for holding assizes.

8. The Lord Lieutenant may by order, pending the rebuilding of the County and City Court Houses, appoint a place for holding the assizes for the county and county of the city of Cork, and for quarter sessions, and may by a like order revoke any former order and appoint any other place for such purposes, and such place shall so long as the order appointing the same remains in force be deemed to be within the county and county of the city of Cork for the purposes of such assizes and quarter sessions.

As to precepts for attendance of jurors.

9. All precepts issued or to be issued for the attendance of jurors or holding of assizes for the county of Cork shall be as valid and effectual for all purposes as if the place therein named was at the time of such issue the County Court House.

A.D 1891.

Interpretation.

10. In this Act, unless the context otherwise requires, the following expressions shall have the meanings respectively assigned to them namely :—

"City Court House" means the Court House for the city of Cork and the offices and appurtenances thereto.

"Commissioners" means the Commissioners for the time being acting in execution of this Act.

"Corporation" means the mayor, aldermen, and burgesses of the city of Cork acting by their council.

"County Court House" means the Court House for the county of Cork and the county offices and appurtenances thereto.

"Grand jury" means the grand jury of the county of Cork.

"Grand Jury Act" means the Act of the session held in the sixth and seventh years of King William the Fourth, chapter one hundred and sixteen.

"Treasurer" means the secretary and treasurer of the county of Cork.

Short title.

11. This Act may be cited as the Cork (County and City) Court Houses Act, 1891.

Cork (County and City) Court Houses.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To facilitate the rebuilding of the Court Houses for the county of Cork and city of Cork, and for other purposes.

(*Prepared and brought in by Mr. Attorney-General for Ireland and Mr. Arthur Balfour.*)

Ordered, by The House of Commons, *to be Printed,* 18 *June* 1891.

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[*Price* 1*d.*]

[Bill 373.]

Corn Sales Bill.

MEMORANDUM.

The object of this Bill is by prohibiting the sale of grain by measure to take a step towards uniformity of weight. The use of measure makes both the corn returns and agricultural statistics inaccurate. The increasing tendency of farmers and dealers being to sell grain by weight, this Bill will influence the small minority of farmers and dealers who still use measure in sale of grain to conform to the practice of the large majority, and may be followed by a uniform weight.

Corn Sales Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Sale of grain by weight made compulsory.
2. Appeal from fine or penalty.
3. The local authorities who put the Act in operation.
4. Definitions.
5. Short title.

[Bill 131.] A 2

A

B I L L

FOR

Making the sale of grain by weight compulsory. A.D. 1890.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Purchase of grain by weight only.

1.—(1.) From and after the *first day of September one thousand eight hundred and ninety-one* all grain shall be bought by weight only.

(2.) If any person purchases grain, separated from the straw, otherwise than is required by this section, whether by himself, his servant or agent, he shall be liable, upon conviction by a court of summary jurisdiction, to a fine not exceeding *five pounds* for every such offence.

Appeal.

2. Where in pursuance of this Act any person is convicted by a court of summary jurisdiction of an offence, and thinks himself aggrieved by any order or decision of the court, he may appeal against such conviction, or order, or decision in England and Ireland to a court of general or quarter sessions. In Scotland any offence against the provisions of this Act may be prosecuted, and any fine or penalty together with the expenses of process may be recovered at the instance of the procurator fiscal of court before the sheriff under the provisions of the Summary Jurisdiction Act.

Offences in Scotland.

Local authorities who put the Act in operation.

3. Any clerk of a county council, or any clerk of an urban sanitary authority, and the secretary of the Central and Associated Chambers of Agriculture, and the secretary of the Associated Chambers of Commerce, and the secretary of any chamber of agriculture, or any chamber of commerce affiliated to either of the before-mentioned associations, and the secretary of the Highland Society of Scotland, and the secretary of the Royal Dublin Society, and the Attorney-General for Ireland may appear and prosecute any offence under this Act in any court of summary jurisdiction.

[Bill 131.]

A.D. 1890.

Definitions.

4. In this Act—

The expression "court of summary jurisdiction"—

(*a*) as regards England, has the same meaning as in the Summary Jurisdiction Act, 1879; and

(*b*) as regards Scotland, means the sheriff or sheriff substitute; and

(*c*) as regards Ireland, means any justice or justices of the peace, police magistrate or officer to whom jurisdiction is given by the Petty Sessions (Ireland) Act, 1851, or any Act amending the same, or by any Act regulating the powers and duties of justices of the peace for the Dublin metropolitan districts.

The expression "grain" means and includes wheat, barley, and oats.

Short title.

5. This Act may be cited as the Sale of Grain (by Weight) Act, 1891.

Corn Sales.

A

BILL

For making the sale of grain by weight compulsory.

(*Prepared and brought in by*
Mr. Jasper More, Mr. Rankin, Sir Joseph Bailey,
Mr. Biddulph, Colonel Cornwallis West,
Mr. Mark Stewart, Colonel Waring, Mr. Channing,
and Mr. Mahoney.)

Ordered, by The House of Commons, *to be Printed,*
28 *November* 1890.

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[*Price* 1*d.*]

[Bill 131.]

Corporate Associations (Property) Bill.

ARRANGEMENT OF CLAUSES.

Clause.
1. Property of associations held on trust for successors.
2. Associations exempted from operation of the Act.
3. Definition of association established for trading purposes.
4. Short title.

A

B I L L

FOR

The better securing their Property to Corporate Associations.

A.D. 1891.

WHEREAS divers corporate associations have been established within the United Kingdom for the advancement of commerce, art, science, religion, or learning, or of the interests of certain trades or professions, or for other trading purposes:

And whereas it appears from the instruments relating to their establishment, or from the fact of their having existed for many years, or from other evidence, that such associations were established with a view to a continued existence:

And whereas doubts are entertained whether it is not lawful for the individual members for the time being of such associations, by arrangement amongst themselves, to terminate the existence of such associations contrary to the intentions of the persons who established the same, and to divide the property amongst themselves; and it is expedient to remove such doubts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Property of associations held on trust for successors.

1. It is hereby declared that where a corporate association has been or may hereafter be established for the advancement of commerce, art, science, religion, learning, or of the interests of certain trades or professions, or for any other purpose not being a trading purpose, and it appears from the instruments relating to its establishment, or from the fact of its having existed for many years, or from other evidence, that such association was established with a view to a continued existence, in any such case the property belonging to or held on trust for the association shall, in so far as the application thereof is not affected by any express trust, be deemed to be and to have been held on trust for the members for the time being of the association and their successors; and it shall not be

A.D. 1891.

lawful for the members for the time being of the association, by arrangement or otherwise, to terminate without the leave of one of Her Majesty's superior courts the existence of such association, or to apply such property to the benefit of the individual members of the association for the time being, otherwise than in so far as may be consistent with carrying into effect the objects of the association.

Associations exempted from operation of the Act.

2. This Act shall not apply to any association established for trading purposes, or to any association by the constitution of which express power is given to the members for the time being to terminate the existence of the association, or to divide the property or its proceeds amongst themselves, or to any association which proves to the satisfaction of one of Her Majesty's superior courts that, by reason of its objects or the shortness of the time during which it has been established, the members for the time being are justified in dissolving the same, and in dividing the property or the proceeds thereof amongst themselves; and this Act shall not affect any powers vested in any competent tribunal of disposing of or altering the trusts of any property.

Definition of association established for trading purposes.

3. "An association established for trading purposes" means a joint stock or other association the main object of which is to carry on a trade or business with a view of producing profits to be applied for the pecuniary benefit of the members of the association.

Short title.

4. This Act may be cited for all purposes as the Corporate Property Security Act, 1891.

Corporate Associations (Property).

A

B I L L

For the better securing their Property to Corporate Associations.

(*Prepared and brought in by Mr. Howell, Mr. Causton, Mr. Cremer, Mr. Beaufoy, Mr. Sydney Buxton, Mr. Lawson, Mr. Pickersgill, Mr. Rowlands, Mr. Bolton, Mr. Stuart, and Mr. Montagu.*)

Ordered, by The House of Commons, *to be Printed*, 2 *December* 1890.

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and 21, Drury Street, Glasgow; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* 1*d.*]

[Bill 140.]

A

B I L L

TO

Remove the Disabilities affecting Members of County Councils in respect of Contracts for the supply of Road Materials. A.D. 1890.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Contracts for supply of road material not to disqualify for election to county council.

1. No person shall be disqualified for being elected, or for being a member, of a county council or district committee, by reason only of his having any share or interest in any contract with such county council or district committee for the supply from land, of which he is owner or occupier, of stone, gravel, or other materials for making or repairing roads or bridges.

Definition of county council.

2. In the application of this Act to England and Wales the words "county council" have the same meaning as in the Local Government Act, 1888, and in the application of this Act to Scotland the words "county council" and "district committee" have the same meaning as in the Local Government (Scotland) Act, 1889.

Extent of Act and short title.

3. This Act shall not extend to Ireland, and may be cited as the County Councillors Disabilities Removal Act, 1891.

County Councillors Disabilities Removal.

A

B I L L

To remove the Disabilities affecting Members of County Councils in respect of Contracts for the supply of Road Materials.

(*Prepared and brought in by Mr. Cozens-Hardy, Sir Edward Birkbeck, Mr. Gurdon, and Mr. Somervell.*)

Ordered, by The House of Commons, *to be Printed*, 26 *November* 1890.

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[*Price* ½*d.*]

[Bill 90.]

A

B I L L

TO

Alter the Date of holding County Council Elections, and to remove Doubts respecting the Holding of such Elections. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

Change of date of elections.

1. The *eighth day of March* shall be the ordinary day of election of county councillors, and the *sixteenth day of March* shall be the ordinary day of election of the chairman, and of the aldermen, and the day for holding a quarterly meeting; and all periods which, in the enactments of the Municipal Corporations Act, 1882, are computed by reference to the first or ninth day of November shall, so far as those enactments apply to county councils, be computed by reference to the *eighth* or *sixteenth day of March* then next following.

County registers.

2.—(1.) The county register shall be completed before the *twentieth day of December* in every year and come into operation on the next *first day of January*.

(2.) The burgess lists forming the burgess roll, which comes into operation on the first day of November in every year, shall on and after that day until the next *first day of January* form part of the county register in substitution for the former burgess lists.

Removal of doubts and amendment as to election of county councillors in boroughs.

3. For the purpose of the election of county councillors for any electoral division which is co-extensive with, or wholly comprised in, a municipal borough, the following provisions shall have effect:—

(*a.*) The mayor of the borough, or some person appointed by him, or if the mayor is dead or absent or otherwise incapable

A.D. 1891.

of acting, an alderman appointed by the council of the borough shall be the returning officer, and so far as respects such election shall follow the instructions of, and return the names of the persons elected to, the county returning officer:

(*b.*) Nothing in section seventy-five of the Local Government Act, 1888, substituting the returning officer or his deputy for the town clerk, shall extend to any such election.

Transitory provisions.

4. The chairmen of county councils, county aldermen, and county councillors, whose term of office would but for this Act expire on the ordinary day of election in November next after the passing of this Act, shall go out of office on the next following ordinary day of election fixed under this Act, and shall continue in office until that day, and the aldermen whose term of office would, but for this Act, expire at the end of three years after the November next after the passing of this Act shall go out of office on the ordinary day of election next following the end of those years, and shall continue in office till that day.

Repeal.

5. The Act specified in the Schedule to this Act is hereby repealed to the extent in the third column of that schedule mentioned.

Short title and construction.

6. This Act may be cited as the County Councils (Elections) Act, 1891, and shall be construed as one with the Local Government Act, 1888.

SCHEDULE.

A.D. 1891.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Section seventy-five, from "In "a year in which" to "be "conducted together," being sub-section one; from "In "a borough the returning "officer" down to "construed to refer to the town clerk," being sub-section six; and from "The period between" down to "returning officer may fix," being sub-section nine; and from "The seventh of November" to "quarterly "meeting of the county "council," being sub-section thirteen.

County Councils (Elections).

A

B I L L

To alter the Date of holding County Council Elections, and to remove Doubts respecting the Holding of such Elections.

(Prepared and brought in by Mr. Ritchie and Mr. Long.)

Ordered, by The House of Commons, *to be Printed,* 11 *June* 1891.

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HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 361.]

A

B I L L

[AS AMENDED IN COMMITTEE OF THE WHOLE HOUSE]

TO

Alter the Date of holding County Council Elections, and to remove Doubts respecting the Holding of such Elections.

A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Change of date of elections.

1.—(1.) The ordinary day of election of county councillors in each county shall be such day between the first and eighth day of March as the county councils may fix.

(2.) The ordinary day of retirement of county councillors shall be the eighth day of March in every third year, and on that day the county councillors then in office shall retire together, and their places shall be filled by the newly-elected councillors, who shall come into office on that day.

(3.) The sixteenth day of March or such other day within ten days after the ordinary day of retirement of county councillors as the council of any county may from time to time fix for that county, shall be the ordinary day of election of the chairman, and of the aldermen, and in substitution for the ninth day of November, the day for holding a quarterly meeting.

(4.) And all periods which, in the enactments of the Municipal Corporations Act, 1882, are computed by reference to the first or ninth day of November shall, so far as those enactments apply to county councils, be computed by reference to such of the above-mentioned days then next following as the case requires.

The ordinary day of election of councillors shall be fixed by the county council not less than six weeks before the ordinary day of retirement of county councillors.

Nothing shall authorise or require a returning officer to hold an election of a county councillor to fill a casual vacancy which occurs

A.D. 1891.

within six months before the ordinary day of retirement of county councillors.

County registers.

2.—(1.) The county register shall be completed before the twentieth day of December in every year and come into operation on the next first day of January.

(2.) The burgess lists forming the burgess roll, which comes into operation on the first day of November in every year, shall on and after that day until the next first day of January form part of the county register in substitution for the former burgess lists.

Removal of doubts and amendment as to election of county councillors in boroughs.

3. For the purpose of the election of county councillors for any electoral division which is co-extensive with, or wholly comprised in, a municipal borough, the following provisions shall have effect:—

(*a.*) The mayor of the borough, or some person appointed by him, or if the mayor is dead or absent or otherwise incapable of acting, an alderman appointed by the council of the borough shall be the returning officer, and so far as respects such election shall follow the instructions of, and return the names of the persons elected to, the county returning officer:

(*b.*) Nothing in section seventy-five of the Local Government Act, 1888, substituting the returning officer or his deputy for the town clerk, shall extend to any such election.

Transitory provisions.

4. The chairmen and vice-chairmen of county councils, county aldermen, and county councillors, and committees (including the members of a joint committee appointed by a county council) whose term of office would but for this Act expire on the ordinary day of election in November next after the passing of this Act, shall go out of office on the next following ordinary day of retirement or election (as the case may be) fixed by this Act, and shall continue in office until that day, but nothing shall authorise or require the returning officer to hold an election of a county councillor to fill a casual vacancy at any time before the ordinary day of election next after the passing of this Act, and the aldermen whose term of office would, but for this Act, expire at the end of three years after the November next after the passing of this Act shall go out of office on the ordinary day of election next following the end of those years, and shall continue in office till that day.

Amendment of 45 & 46 Vict. c. 50, ss. 34, 35; and 51 & 52 Vict. c. 41, s. 75, as to the declaration by a member of the council.

5. The declaration required under sections thirty-four and thirty-five of the Municipal Corporations Act, 1882, to be made by a person elected to a corporate office may be made within ten days after notice of the election, or within such extended time, if any, as the county council may authorise, not exceeding three months from the date of the election.

A.D. 1891.

6. The Act specified in the Schedule to this Act is hereby repealed to the extent in the third column of that schedule mentioned. Repeal.

7. This Act may be cited as the County Councils (Elections) Act, 1891, and shall be construed as one with the Local Government Act, 1888. Short title and construction.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Section seventy-five, from "In "a year in which" to "be "conducted together," being sub-section one; from "In "a borough the returning "officer" down to "construed to refer to the town clerk," being sub-section six; and from "The period between" down to "returning officer may fix," being sub-section nine; and from "The seventh of November" to "quarterly "meeting of the county "council," being sub-section thirteen; and from "shall authorise or require" to "such electoral division or," being paragraph (*d*) of sub-section sixteen.

County Councils (Elections).

A

B I L L

[AS AMENDED IN COMMITTEE OF THE WHOLE HOUSE]

To alter the Date of holding County Council Elections, and to remove Doubts respecting the Holding of such Elections.

(*Prepared and brought in by Mr. Ritchie and Mr. Long.*)

Ordered, by The House of Commons, *to be Printed*, 6 *July* 1891.

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HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 404.]

A

B I L L

TO

Enable County Councils to Value and Purchase Lands. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

County council may purchase or value lands in the interest of the public.

1. Where it appears to any county council that it is for the interest of the inhabitants of any district within the county of that county council that any lands shall be purchased, or that any lands shall be valued with a view to the subsequent purchase thereof, the county council may purchase those lands or may have those lands valued with a view to the subsequent purchase thereof, subject to the conditions and regulations of this Act.

Regulations upon purchase or valuation.

2. With respect to the purchase and valuation of lands under this Act the following regulations shall be observed:—

(1.) If any lands proposed to be purchased or valued are situate without the county, the consent in writing of the county council of the county within which those lands are situate shall first be obtained.

(2.) The Lands Clauses Acts shall be incorporated with this Act as if they were here re-enacted, and in terms made applicable to a county council, except in so far as they are inconsistent with the other provisions of this Act, and except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845.

(3.) Land shall be deemed to be valued within the meaning of this Act when the compensation which would be payable for the same if purchased under the powers of this Act has been ascertained under the Lands Clauses Acts as incorporated with this Act, and the provisions of the Lands Clauses Acts with regard to the costs of ascertaining such compensation, shall apply to the costs of such valuation.

A.D. 1891.

(4.) The county council before putting in force any of the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, shall publish in each of three consecutive weeks in some local paper circulated in the county, an advertisement describing shortly the lands proposed to be taken, or valued with a view to the subsequent purchase thereof, naming a place where a plan of the lands may be seen at all reasonable hours, and stating the quantity of lands proposed to be taken or valued, as the case may be; and shall further serve a notice, in the month succeeding the month in which the advertisements required by this section are published, on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be so taken or valued, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking or valuing such lands.

(5.) On compliance with the provisions of this section with respect to consent, advertisements, and notices, the county council may, if they think fit, present a petition under their seal to the Local Government Board. The petition shall state the lands intended to be taken or valued, as the case may be, and the purposes for which they are required, or the grounds upon which it is proposed to value them, and the names of the owners, lessees, and occupiers who have assented, dissented, or are neuter in respect of the taking or valuing of such lands, or have returned no answer to the notice; it shall pray that the county council may, with respect to such lands, be allowed to put in force, so far as may be necessary, the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Local Government Board requires.

(6.) On the receipt of such petition and on due proof of the proper consent having been obtained, and the proper advertisements having been published and notices served, the Local Government Board shall take such petition into consideration, and may either dismiss the same (but only if they are satisfied that the proposed purchase or valuation is not for the interest herein-before mentioned), or may direct a local inquiry as to the propriety of assenting to the prayer of such petition; but until such inquiry has been made no order shall be made

affecting any lands without the consent of the owners, lessees, and occupiers thereof. A.D. 1891.

(7.) After the completion of such inquiry the Local Government Board may make an order empowering the county council to put in force, with reference to the lands referred to in that order, the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement or any of them, and either absolutely or with such conditions and modifications as the Board may think fit, and it shall be the duty of the county council to serve a copy of any order so made, in the manner and on the person in which and on whom notices in respect of such lands are required to be served:

Provided that any notices or orders by this section required to be served on a number of persons having any right in, over, or on lands in common, may be served on any three or more of such persons on behalf of all such persons.

The price to be paid for lands purchased under Act.

3. Where any lands are purchased under this Act, the price to be paid for those lands to the owner thereof shall be the fair market price for the time being, together with a further sum as compensation for disturbance and in respect of any damage, by severance or otherwise, caused by the purchase to any lands held together with the lands purchased: Provided that such further sum shall only be payable if and in so far as damage is actually sustained.

The value to be placed on lands valued under Act.

4. Where any lands are valued under this Act with a view to the subsequent purchase thereof, the estimate of the value of those lands shall be based upon the fair market value thereof at the time of the valuation, without any additional allowance as compensation for disturbance, or in respect of damage, by severance or otherwise, or in respect of any other matter whatsoever caused or to be caused by the valuation, or by any purchase subsequent to the valuation, to the lands valued, or to any lands held together with the same, or to any right or interest of the owner of the lands in or to the same.

A valuation of lands under Act to be a land charge.

5. A valuation of any lands under this Act, with a view to the subsequent purchase thereof, shall be deemed to be a land charge within the meaning of section four of the Land Charges Registration and Searches Act, 1888; and particulars of any such valuation may be registered as a land charge under that Act within one month after such valuation has been made, and shall be subject

A.D. 1891.

to all the provisions of that Act so far as they are applicable thereto.

Lands valued under Act may be purchased within twenty years.

6. Where particulars of any valuation under this Act has been registered as a land charge, the county council at whose instance that valuation has been made, may, at any time within *twenty years* from the date of such registration, purchase the lands comprised in such valuation or any part thereof, subject to the conditions and regulations of this Act with regard to the purchase of lands, and subject also to the condition following, that is to say :—

The price to be paid for the lands to the owner of the lands shall be the fair market value of the lands at the time of the purchase thereof, after deducting the proportion of any increase of that value over and above the value of the lands as the same was ascertained when the lands were previously valued under the provisions of this Act, which may be ascertained to be the special increment due to the increase or movement of the population in, or to the industrial or other development of any town or other populous place in the neighbourhood of such lands, and not to any improvements or acts of management executed or done by the owner or any former owner of such lands at any time previous to the purchase thereof under this Act, together with a further sum as compensation for disturbance, and in respect of any damage, by severance or otherwise, caused by such purchase to any lands held together with the lands purchased :

Provided that such further sum shall only be payable if and in so far as damage is actually sustained.

Local Government Board may make orders as to costs of inquiries.

7. The Local Government Board may make orders as to the costs of inquiries instituted by the said Board under this Act, and as to the parties by whom such costs shall be borne, and every such order may be made a rule of the High Court, on the application of any person named therein.

Orders of Local Government Board under Act to be final.

8. All orders made by the Local Government Board in pursuance of this Act shall be binding and conclusive in respect to the matters to which they refer, and shall be published in such manner as the Board may direct.

Act to apply to county boroughs.

9. The provisions of this Act with regard to a county council and to a county shall also apply respectively to the council of a county borough and to a county borough.

Application of Act to metropolis.

10. In the application of this Act to the metropolis the expression "county" shall mean the administrative county of London.

Short title.

11. This Act may be cited as the Lands Purchase and Valuation Act, 1891.

Extent of Act.

12. This Act shall not extend to Scotland or Ireland.

Commencement of Act.

13. This Act shall come into operation on the *first day of January, one thousand eight hundred and ninety-two.*

County Councils (Purchase of Land).

A

B I L L

To enable County Councils to Value and Purchase Lands.

(Prepared and brought in by
Mr. Haldane, Mr. Asquith, Sir Edward Grey,
Mr. Sydney Buxton, Mr. Arthur Acland,
Mr. Munro Ferguson.)

Ordered, by The House of Commons, *to be Printed,*
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[*Price* 1*d.*]

[Bill 294.]

A

B I L L

TO

Regulate Crofters' Common Grazings in Scotland. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title and construction.

1. This Act may be cited as the Crofters Common Grazings Regulation Act, 1891, and shall be read as part of the Crofters' Holdings (Scotland) Act, 1886, herein-after called the principal Act.

Appointment of committee.

2. The crofters in any township or townships situated in a crofting parish or parishes within the meaning of the principal Act, who share in the same common grazing, or who have the right of cutting peats, or gathering seaware, or any similar common right, may, at a public meeting called by public notice, appoint a committee of such number as the meeting shall think fit, not being less than three or more than five, who shall be charged with the duty of making regulations with regard to all matters touching the use by the crofters of such common grazings or other rights.

The notice of meeting may be given by any two crofters interested in the common grazing or other right, and the notice shall be given by being published for two successive weeks in any newspaper circulating in the parish, or by being posted for two successive weeks at or near the door of the parish church, or at or near the door of every public school in the parish.

In the event of any dispute arising as to the sufficiency of any such notice, such dispute shall be decided summarily by the Crofters Commission, and their decision shall be final.

The regulations so made shall be submitted to the Crofters Commission, who may approve of them, if or in so far as they consider them just and expedient, with or without alteration, and when so

A.D. 1891.

approved such regulations shall come into force, but subject always to such sanctions in the event of non-fulfilment as to the Crofters Commission shall seem necessary, and may be added to or altered by the committee from time to time with the like approval.

Before approving of any such regulations the Crofters Commission shall cause reasonable notice to be given to the landlord or landlords.

Casual vacancies.

3. Such committee shall remain in office for *three years*, and at the end of every such period a new committee shall be appointed at a public meeting, and after public notice as aforesaid. Outgoing members shall be eligible for re-election. Vacancies occurring by death or resignation shall be filled up by nomination of the remaining members. A majority shall be a quorum. The said committee shall appoint one of their number to act as clerk or constable.

On failure of crofters to appoint committee, Crofters Commission may do so.

4. In case the crofters interested in any common grazing or other right as aforesaid shall at any time fail to appoint a committee, the Crofters Commission may, on the request in writing of any *two* crofters interested, or the landlord or landlords, and after making such inquiry, if any, as the Commission may deem necessary, appoint a committee who shall have the same duties and powers, and remain in office for the same period, as if they had been appointed by the crofters, and in the event of such committee failing to make regulations within three months after their appointment, the Crofters Commission may make such regulations themselves on the request in writing of any two crofters or of the landlord.

Petition to sheriff in case of breach of regulations.

5. The committee shall see to the due observance of the regulations, and in case of any breach or non-observance thereof they or any two crofters interested, or the landlord, may make application to the sheriff by petition, and the sheriff may upon such application make such order or orders for the enforcement of the said regulations by granting warrant for the sale of surplus stock and disposal of the proceeds by causing the same to be paid to the owner of such stock under deduction of expenses or by imposition of penalties or otherwise as he shall think fit.

Recording and enforcement of regulations.

6. Regulations made in terms of this Act when approved by the Crofters Commission, and any alterations on such regulations when so approved, shall be an order of the Crofters Commission within the meaning of the principal Act, and the provisions of the said principal Act with respect to the recording and enforcement of orders,

and all other procedure shall apply to regulations made under this Act. A.D. 1891.

Signed conditions to be equivalent to regulations.

7. Where all the crofters interested in a common grazing or other right shall have signed a condition or conditions regulating the use of the same, and the Crofters Commission shall have found or shall find such condition or conditions to be reasonable, as provided by section one, sub-section five, of the said principal Act, such condition or conditions may be recorded and enforced in like manner as if they were regulations made in terms of this Act and approved of by the Crofters Commission.

Crofters Common Grazings (Scotland).

A

B I L L

To regulate Crofters' Common Grazings in Scotland.

(Prepared and brought in by Mr. Munro Ferguson and Mr. Donald Crawford.)

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[*Price* ½*d.*]

[Bill 287.]

A

B I L L

TO

Extend and amend the Crofters Holdings (Scotland) Acts. A.D. 1891

WHEREAS it is desirable to extend the provisions of the Crofters Holdings (Scotland) Act, 1886:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

All crofters and cottars within Act of 1886.

1. From and after the *passing of this Act* the provisions of the Crofters Holdings (Scotland) Act, 1886, shall apply to every crofter and cottar in Scotland as defined by this Act to whom the provision of the said Crofters Holdings (Scotland) Act, 1886, does not apply, and no crofter or cottar shall, by reason only that any holding or land is not in a crofting parish or not within the local area of the said Act, be deprived of any benefit conferred thereby.

Crofter may apply to Crofters Commission.

2. It shall be lawful for any crofter to make to the Crofters Commission any application that may be made to them by any crofter or body of crofters in pursuance of the Crofters Holdings (Scotland) Act, 1886; and upon such application being made it shall be the duty of the Crofters Commission to exercise the powers vested in them by the Crofters Holdings (Scotland) Act, 1886.

Advances for fishing industry and piers and harbours.

3. For the purpose of enabling the Fishery Board for Scotland established under the Fishery Board (Scotland) Act, 1882, to make advances by way of loan to persons engaged in the prosecution of the fishing industry, whether crofters, cottars, or others, section thirty-two of the Crofters Holdings (Scotland) Act, 1886, shall apply to all counties abutting the sea, *and it shall be lawful for the Treasury to advance to the Fishery Board for the purposes of the said section such sums as may from time to time be placed at their disposal by Parliament;* and in addition to the purposes mentioned in the thirty-second section of the said Act, it shall be lawful for the Fishery Board to apply such sums or portions thereof to the

A.D. 1891.

building of such harbours, piers, and landing stages, as they deem to be required for the due prosecution of the fishing industry.

Provision as to persons employed in white fisheries, &c.

4. In any case where rent or other consideration is claimed from any person or persons employed in the white or herring fisheries for liberty to use ports, harbours, or lands situated on the shores and foreLands of Scotland for landing their nets, casks, and other materials, utensils, and stores, and for erecting tents, huts, and stages, and for the landing, pickling, curing, and re-loading their fish, and in drying their nets, the Commissioners appointed under the said Crofters Holdings (Scotland) Act, 1886, on an application being made to them by the person or persons from whom such rent or consideration is claimed, shall inquire into the nature and situation of such ports, harbours, or lands, and shall decide whether they are so situate as to come within the meaning of the Act passed in the eleventh year of King George the Third, chapter thirty-one, entitled "An Act for the Encouragement of the White Herring Fishery," that is to say, whether they consist of waste or uncultivated land below the highest high water-mark, or within a space of one hundred yards beyond such mark within the land, and the Commissioners shall not allow any partial or colourable cultivation to bar the rights of such persons to enjoy all the rights and liberties conferred on them by the said Act; and the Commissioners are hereby empowered, pending their decision, to stop all action on the part of the claimant to disturb the interests of the applicant, person, or persons, and the decision of the Commissioners shall have effect from the date of the application.

Interpretation of terms.

5. In this Act and the Crofters Holdings Act, 1886, "crofter" shall mean any person who at the *passing of this Act* is tenant of any holding as defined by the Crofters Holdings (Scotland) Act, 1886, whether such holding be under any lease or from year to year, the annual rent of which does not exceed *thirty pounds*, and the successors of such person in the holding being his heirs or legatees.

"Cottar" shall mean the occupier of a dwelling-house situate in a crofting parish with or without land who pays no rent to the landlord, as also the tenant from year to year of a dwelling-house who resides therein, and who pays to the landlord therefor an annual rent not exceeding *six pounds* in money, whether with or without garden or ground, but without arable or pasture land.

Short title.

6. This Act may be cited as the Crofters Holdings (Scotland) Act, 1891.

Crofters Holdings (Scotland).

A

B I L L

To extend and amend the Crofters Holdings (Scotland) Acts.

(*Prepared and brought in by Mr. Keay, Dr. Farquharson, Dr. Clark, Mr. Cunninghame Graham, and Mr. Hunter.*)

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[*Price* ½*d.*]

[Bill 73.]

Crofters Holdings (Scotland) (No. 2).

MEMORANDUM.

The principal objects of this measure are,—

To include all agricultural tenants, whether holding under lease or otherwise.

To allow free sale of all improvements.

To empower the court to alter rents during the continuance of a statutory term under exceptional circumstances.

To empower the court to form new holdings.

To give cottars as well as crofters the right to a new holding or an extension of holding.

To extend the provisions of the Act to the whole of Scotland.

A

B I L L

TO

Amend the Crofters Holdings (Scotland) Acts.

A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title and application of Act.

1. This Act may be cited for all purposes as the Crofters Extension (Scotland) Act, 1891, and shall apply to Scotland only.

PART I.

Security of Tenure.

Tenant not to be removed save for breach of statutory conditions.

2. A tenant shall not be removed from the holding of which he is tenant, except in consequence of the breach of one or more of the conditions following (in this Act referred to as statutory conditions); that is to say,

(1.) The tenant shall pay his rent at the terms at which it is due and payable.

(2.) The tenant shall not, without the consent of his landlord in writing, subdivide his holding or sublet the same or any part thereof.

(3.) The tenant, where a rent has been fixed by the court pursuant to the provisions of this Act, shall observe the conditions (if any) imposed upon him by the order of the court fixing such rent; and, where a rent has not been so fixed, shall observe the conditions imposed on him by his contract of tenancy.

(4.) The tenant shall not, to the prejudice of the interest of the landlord, persistently injure the holding by the dilapidation of

A.D. 1891.

buildings, or, after notice has been given by the landlord to the tenant not to commit or to desist from the particular injury specified in such notice, by the deterioration of the soil.

(5.) The landlord, or any person or persons authorised by him in that behalf (he or they making reasonable compensation for any damage to be done or occasioned thereby), shall have the right to enter upon the holding for any of the purposes following; that is to say,

Mining or taking minerals, or digging or searching for minerals.

Quarrying or taking stone, marble, gravel, sand, clay, slate, or other workable mineral.

Cutting or taking timber or peats, excepting timber and other trees planted by the crofter or his predecessors in title, or that may be necessary for ornament or shelter, and excepting also such peats as may be required for the use of the holding.

Opening or making roads, fences, drains, and watercourses.

Passing and repassing to or from the shore of the sea or any loch, with or without horses and carriages, for exercising any right of property or other right belonging to the landlord.

Viewing or examining at reasonable times the state of the holding and all buildings and improvements thereon.

And the tenant shall not obstruct the landlord, or any person or persons authorised by him in that behalf as aforesaid, in the exercise of any right reserved to or conferred upon him by this sub-section.

Provision for resumption by landlord.

3. Notwithstanding the provisions contained in the second section of this Act, the court may, on the application of the landlord, and upon being satisfied that he desires to resume any holding or any part of a holding, for some reasonable and sufficient purpose, having relation to the good of the holding or of the estate, including the using, letting, or fencing the land proposed to be resumed, for the building of dwellings, or for small allotments for fishermen or labourers, or for harbours, piers, boat shelters, or other buildings connected with the fishing industry, or for churches or other places of religious worship, or for schools, or for roads practicable for carriages to the high road or the sea shore, authorise the

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resumption of such holding or of such part thereof by the landlord upon such terms and conditions as the court shall think fit, and may require the tenant to sell his tenancy in such holding, or in such part thereof, to the landlord, upon such terms as may be approved by the court, including adequate compensation to the tenant, either by letting to him other land of equivalent value in the neighbourhood, or by reduction of rent, or by compensation in money or otherwise, or by all or any of such means.

Removal of tenant for breach of conditions. 46 & 47 Vict. c. 62.

4.—(1.) When *one year's* rent of the holding, but less than *two years'* rent, is due and unpaid, the tenant shall be liable to be removed in manner provided by the twenty-seventh section of the Agricultural Holdings (Scotland) Act, 1883, in the cases to which same applies.

(2.) When *two years'* rent of the holding is due and unpaid, or when the tenant has broken any other of the statutory conditions, he shall forfeit his tenancy, and shall be liable to be removed in manner provided by the fourth section of the Act of Sederunt anent Removing, of the fourteenth day of December, one thousand seven hundred and fifty-six.

Breach of statutory conditions may in certain cases be condoned.

5.—(1.) Where proceedings have been taken to remove any tenant from his holding in consequence of the breach of any statutory condition other than the condition relating to the payment of rent, it shall be in the power of the court to sist all such proceedings, if it shall be proved that adequate satisfaction for the breach of such condition can be made by the payment of damages to the landlord, and that the tenant may justly be relieved from liability to be removed from his holding in consequence of such breach.

(2.) Where proceedings have been taken for the recovery of rent or to remove any tenant from his holding in consequence of the breach of the statutory condition relating to the payment of rent, the tenant may apply to the court for an order restraining the landlord from continuing such proceedings, and if, on such application, the court shall be satisfied that, owing to pestilence, the failure of crops, or other exceptional and unavoidable cause, or owing to any exceptional fall in the price of cattle or of agricultural produce, it is unjust or unreasonable for the landlord to require payment in full of the rent claimed to be due, the court may make an order relieving the tenant from the liability to pay such portion of the said rent as may seem just, having regard to the produce of the holding during the period in respect of which such rent is due; and, on payment

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by the tenant of the balance of such rent, the court shall sist all proceedings for the recovery of such rent or for the removal of the tenant in respect of the non-payment of such rent.

PART II.

RENT.

Existing rent.

6. The rent payable as one of the statutory conditions shall be the existing rent, that is to say, the yearly rent, including money and any prestations other than money payable for the year current at the *passing of this Act*, unless and until the present rent is altered in manner provided by this Act.

Fixing of fair rent.

7.—(1.) The landlord or the tenant of any holding may from time to time apply to the court to fix the fair rent to be paid by such tenant to the landlord for the holding, and thereupon the court, after hearing the parties and considering all the circumstances of the case, holding, and district, and in particular taking into consideration any fine which may have been paid to the landlord or his predecessors in title by the tenant or his predecessors in title, shall determine what is such fair rent, and pronounce an order accordingly.

(2.) Where, on any such application, the tenant has held, under any contract in writing containing any conditions as to agriculture or otherwise, the court may, if it shall seem just, and if it shall seem expedient, having regard to the provisions of this Act, determine that all or some of such conditions shall continue to regulate the tenancy, and shall specify in the order which (if any) of such conditions shall so continue.

(3.) The rent fixed by the order of the court (in this Act referred to as the fixed rent) shall be deemed to be the rent payable by the tenant as from the term day next succeeding the date of such order, and shall come in the place of the existing rent; and, save as is herein-after provided, the fixed rent shall not be altered for a period of five years from such term day.

(4.) Where, on any such application, the court shall fix a rent which shall be different in amount from the existing rent, the tenant shall be entitled, at the next payment or payments of rent, to deduct from the amount of the fixed rent such sum or sums as he may have paid over and above the amount of the fixed rent in respect of the period between the date of the application to fix the fair rent and the date of the order of the court.

(5.) This section shall not apply to any holding subject to a rent fixed under the Crofters Holdings (Scotland) Act, 1886, until the expiration of *five years* from the date of the order of the Crofters Commission fixing such rent, unless and until a decree is made under the ninth section of this Act, such decree including in its operation the area or district in which such holding is situate.

No rent to be charged on tenant's improvements.

8. No rent shall be allowed or made payable in any proceedings under this Act in respect of improvements made by the tenant or his predecessors in title, and for which, in the opinion of the court, the tenant or his predecessors in title shall not have been fully and justly paid or otherwise compensated by the landlord or his predecessors in title.

Rents fixed under this Act may in certain cases be revised.

9. Where at any time representation shall be made to the court that, owing to any exceptional increase or decrease in the prices of cattle and of agricultural produce, it is just that a revision of fixed rents should be permitted, the court shall examine into such representation, and shall make and institute such public inquiry or inquiries as may be necessary to ascertain the truth thereof; and if, on investigation, the correctness of such representation is satisfactorily established, the court may order and decree that a revision of fixed rents shall be permitted, and shall make due provision for the effectual publication of such decree. Within a period of one year after the date of such decree, the landlord or the tenant of any holding subject to a fixed rent may, whether the period of five years for which the rent of such holding had been fixed has or has not expired, apply to the court to fix the fair rent to be paid for same, and thereupon proceedings shall be had in all respects, and the order of the court shall have the like effect, as if such application were made under the seventh section of this Act. A decree made under this section may be limited to any area or district defined in such decree.

PART III.

Compensation for Improvements.

Compensation to tenant for improvements on removal.

10.—(1.) The tenant of any holding shall, if he renounces his tenancy in, or is removed from, same, be entitled to compensation in respect of all improvements suitable to the holding made on same by him or his predecessors in title, and for which the tenant or his predecessors in title shall not have been fully and justly paid

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or otherwise compensated by the landlord or his predecessors in title.

(2.) Compensation for improvements under this section shall be estimated at such sum as fairly represents the value of the improvements to an incoming tenant.

(3.) In fixing the amount of compensation for improvements, the value of any assistance or consideration which may have been proved to have been given by the landlord or his predecessors in title to the tenant or his predecessors in title, in respect of such improvements, shall be taken into account and deducted from such compensation; provided that the enjoyment by a tenant or his predecessors in title of any improvements made by him or them shall not be deemed to be wholly or partly a compensation for same; nor shall the occupation of the holding by the tenant or his predecessors in title during any period be deemed to be a consideration given by the landlord or his predecessors in title within the meaning of this section, if such occupation has been subject to a rent equal to or exceeding a fair rent.

(4.) All sums due to the landlord from the tenant in respect of the rent of the holding, or in respect of any taxes, rates, or public burdens, or interest moneys payable in respect of drainage, for which the tenant is liable as between him and the landlord, and also the value of any deterioration of the holding committed or permitted by the tenant within the four years preceding, shall be deducted from the amount of any compensation payable to the tenant under this section.

(5.) Where improvements have been made by a tenant or his predecessors in title in pursuance of any agreement in writing entered into with the landlord or his predecessors in title, there shall be taken into account, in fixing the amount of compensation payable in respect of such improvements, the value of any consideration which may be proved to have been given by the landlord or his predecessors in title to the tenant or his predecessors in title under or in pursuance of such agreement in respect of such improvements.

(6.) This section shall apply, notwithstanding the provisions of the Agricultural Holdings (Scotland) Act, 1883, and notwithstanding that the consent referred to in the third section of the said Act has not been obtained, or that the notice referred to in the fourth section of the said Act has not been given. The seventh section of the said Act shall apply to a claim for compensation under this Act.

46 & 47 Vict. c. 62.

A.D. 1891.

11. The amount of compensation payable to a tenant under this Act for improvements may be settled in manner provided by the Agricultural Holdings (Scotland) Act, 1883, as regards the compensation for improvements to which a tenant is entitled thereunder, or may be decided and decreed by the court in manner to be prescribed by rules to be made under this Act as herein-after provided.

Procedure in respect of claims for compensation.

PART IV.

Sale of Holdings.

12. The tenant of a holding shall after the *passing of this Act*, be intituled to sell his tenancy therein for the best price that can be got for the same, subject to the following conditions:

Tenant may sell his tenancy.

(1.) Except with the consent of the landlord, the sale shall be made to one person only.

(2.) The tenant shall give to the landlord such notice of his intention to sell his tenancy, as may be prescribed by rules to be made in pursuance of this Act as herein-after prescribed.

(3.) On receiving such notice, the landlord may purchase the tenancy for such sum as may be agreed on, or, in the event of disagreement, may be ascertained by the court to be the value thereof; provided that, in fixing the purchase money in such case, the court shall have regard to the amount which a purchaser, other than the landlord, would be willing to pay for the tenancy.

(4.) Where the tenant shall agree to sell his tenancy to some other person than the landlord, he shall inform the landlord of the name of the purchaser; and the landlord may within a period to be prescribed by rules made as aforesaid, refuse on reasonable grounds to accept the purchaser as tenant. In case of dispute the reasonableness of the landlord's refusal shall be decided by the court.

PART V.

Description of Court and Proceedings.

13.—(1.) The expression "the court," as used in this Act, shall mean the Crofters Commission, which, for the purposes of this Act, shall be styled and known as the Scotch Land Commission.

Crofters Commission to be land commission.

A.D. 1891.

(2.) The court shall have jurisdiction in respect of all disputes between landlords and tenants arising under this Act.

(3.) In determining the fair rent to be paid for a holding, the court may, if they think fit, visit the holding, or they may call in the aid of an assessor or assessors specially qualified by local knowledge or otherwise, and may hear the case wholly or partially with the aid of such assessor or assessors, or they may obtain a valuation or report from a competent valuer or valuers appointed by them for the purpose.

(4.) Any power or act by this Act vested in or authorised to be done by the Land Commission, may be exercised or done by any two members of the Land Commission, or by any sub-commission to be appointed in manner provided by this Act.

(5.) In any proceedings under this Act, it shall be competent to any of the parties thereto to demand, and for the court to order that the evidence shall be taken upon oath, and it shall be competent to the court to make such order as to expenses as they think fit.

(6.) The decision of the court in regard to any of the matters committed to their determination by this Act shall be final.

(7.) The provisions of the twenty-sixth, twenty-seventh, twenty-eighth, and thirtieth sections of the Crofters Holdings (Scotland) Act, 1886, are hereby incorporated with this Act, and shall apply to proceedings under this Act in all respects as if herein expressly enacted, and as if the references therein to the said Act were a reference to the said Act and to this Act. The book for the purposes of this Act, mentioned in the said twenty-seventh section, shall be called the "tenants holdings book."

49 & 50 Vict. c. 29.

Appointment of assistant commissioners.

14. The Land Commission may, with the sanction of the Treasury, from time to time appoint and remove assistant commissioners, who shall hold office for such time *and at such remuneration* as may be limited. The Land Commission may form sub-commissions to consist of such number of the said assistant commissioners not less than two, or of a commissioner, and one or more assistant commissioners, as to the Land Commission shall seem fit, and may delegate to any such sub-commission such of the powers conferred on them by this Act as they consider expedient, and may from time to time revoke, alter, or modify any powers so delegated to a sub-commission.

Forms of procedure and rules.

15. The Land Commission shall from time to time, subject to the approval of the Secretary for Scotland, frame, issue, and circulate such forms of application and directions as to the mode in which

applications are to be made under this Act, and other forms of procedure as they shall think proper, and may from time to time make, and when made, may rescind, amend, or add to rules with respect to the proceedings under this Act; and for the purpose of carrying this Act into effect, it shall be in the power of the Land Commission by such rules, to fix, with the approval of the Treasury, a scale of costs and fees to be charged in carrying this Act into execution, which costs and fees shall be taxed by the persons and in the manner to be by such rules prescribed.

Appointment of guardian.

16. Where a landlord or a tenant is a pupil, or a minor, or is of unsound mind, not having a tutor, curator, or other guardian, the court may, on the application of any person interested, appoint to him a tutor or a curator for the purposes of this Act, and may recall the appointment of such tutor or curator, and appoint another tutor or curator, if, and as occasion requires.

PART VI.

Miscellaneous.

Provision for determination of state of immediate landlord.

17. If in the case of any holding the state of the immediate landlord for the time being is determined during the continuance of any tenancy to which the same is subject, the next superior landlord for the time being shall, for the purposes of this Act, during the continuance of such tenancy, stand in the relation of immediate landlord to the tenant of the tenancy, and have the rights and be subject to the obligations of an immediate landlord.

Avoidance of agreement inconsistent with Act.

18. Any provision contained in any lease of contract of tenancy or other contract, whether made before or after the *passing of this Act*, which provision is inconsistent with any of the provisions of this Act, shall, so far as it is so inconsistent, be void.

Renunciation of tenancy.

19. The tenant of any holding shall, whether same be subject to a fixed rent or not, be entitled upon one year's notice in writing to the landlord to renounce his tenancy as at any term of Whit Sunday or Martinmas.

Formation of new holdings.

20. Where a landlord, after application made to him, has refused to let, on reasonable terms to a person, for an agricultural holding, land available for such holding, such person may apply to the court for an order constituting him tenant of such land at such rent and subject to such conditions as shall be just.

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(2.) The court, before making an order under this section, shall cause to be given to the landlord notice of such application as aforesaid, and shall hear such landlord and person, and their witnesses upon the same.

(3.) No such order shall be made unless it shall appear,—

(*a.*) That the person so applying is willing and able to pay a fair rent for the holding, and to properly cultivate the same in so far as it consists of arable land or is suitable for cultivation, and properly to stock the same in so far as it consists of pasture land;

(*b.*) That the creation of such holding is calculated to increase the amount or value of the annual agricultural or pastoral produce of the land proposed to be taken, or is desirable in order to relieve congested districts on the same estate or in the same county;

(*c.*) That the land proposed to be taken is available land within the meaning of the Crofters Holding Scotland Act as amended by this Act.

(4.) The court, in proceeding under this section, shall have regard to the fact, if established by evidence, that the land proposed to be taken was within the past eighty years in possession or occupation of crofters or tacksmen.

Amendment of law as to enlargement of crofters' holdings. 49 & 50 Vict. c. 29.

21. The thirteenth section of the Crofters Holdings (Scotland) Act, 1886 (in this section referred as the said Act), shall be and the same is hereby repealed, and in lieu thereof it is hereby enacted, as follows:

(1.) It shall not be competent for the Crofters Commission to assign land for the enlargement of crofters' holdings, which—

(*a.*) forms part of any garden, policy, park, plantation, or other wood:

(*b.*) forms part of any farm actually cultivated, and cannot be alloted without material damage to the letting value of the remainder of each farm:

(*c.*) forms part of a farm the annual rent or letting value of which does not exceed *one hundred pounds:*

(*d.*) is arable or improved pasture in the immediate vicinity of a residence or farm steading, and could not be assigned for the enlargement of the crofter's holdings, without substantially impairing the amenity of such residence or farm steading.

(2.) Where part of any land held subject to any tenancy at a rent, is assigned by the Crofters Commission for the enlarge-

ment of the holding or holdings of a crofter or crofters, the Crofters Commission shall, when they so assign such land, fix the amount of the annual deduction (if any) in respect of the portion so allotted, which ought to be made from the rent payable by the tenant under such tenancy to the landlord, and thereafter the tenant, under the tenancy shall be liable to the landlord, only in the balance of the rent thereby stipulated after deduction of the rent so fixed.

(3.) The aggregate annual value of the land assigned for the enlargement of crofters' holdings shall not exceed one third of the rent or annual letting value of the farm or other holding from which it is taken when the annual value of the holding is not more than *one hundred and fifty pounds*, or one half when the annual value is above *one hundred and fifty pounds* and not more than *three hundred pounds*, or two thirds where the annual value of the holding exceeds *three hundred pounds*.

(4.) It shall not be competent for the Crofters Commission to grant the application of the crofters for the enlargement of their holdings to the extent or effect of raising the annual value of the holding of any crofter to a higher amount than twenty pounds.

Cottars entitled to apply for enlargement of holdings. 49 & 50 Vict. c. 29.

22. The provisions of the eleventh, twelfth, and fourteenth sections of the Crofters Holdings (Scotland) Act, 1886, and of the twentieth section of this Act, referring to crofters, shall also apply to cottars as defined by the said Act in all respects as if such cottars were crofters as defined by the said Act, and land assigned by the Crofters Commission under the authority of this section shall, when so assigned, be subject to the provisions of the said Act and of this Act.

PART VII.

Definitions and Applications of Act.

Act only applies to occupying tenants.

23.—(1.) This Act shall not apply in the case of any tenant not in the actual occupation of his holding.

(2.) Where a tenant sublets or has sublet a part of his holding with the consent of his landlord, he shall, notwithstanding such subletting, be deemed for the purposes of this Act to be still in the actual occupation of the holding.

(3.) Where part of a holding has been sublet prior to the *passing of this Act*, the landlord shall be presumed to have consented to such subletting until the contrary has been established.

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(4.) Where a tenant has prior to the *passing of this Act* sublet a part of his holding, he shall, notwithstanding such subletting, be deemed for the purposes of this Act to be still in occupation of the holding, unless the part sublet itself constitutes a holding to which this Act applies.

24.—(1.) The provisions of the nineteenth section of the Crofters Holdings (Scotland) Act, 1886, are hereby repealed.

(2.) The provisions of the Crofters Holdings (Scotland) Act, 1886, as amended by this Act, shall apply to the whole of Scotland.

25.—(1.) The definitions of "crofter" or "crofting parish" contained in the thirty-fourth section of the Crofters Holdings (Scotland) Act, 1886, are hereby repealed.

(2.) In this Act, and in the Crofters Holdings (Scotland) Act, 1886, "crofter" shall mean a person who, upon the twenty-fifth day of June one thousand eight hundred and eighty-six, or since, was tenant of a holding, who resides on his holdings, the annual rent of all whose holdings does not exceed *thirty pounds* in money, and the successors of such person in the holding.

Provision for change tenancy.

26. Where a succession of tenants have derived title each from the other, the earlier in such succession shall be deemed to be the predecessor of the later. Where a tenant has surrendered a tenancy and accepted a new tenancy, or where an outgoing tenant has surrendered his tenancy in order that some other person may be accepted as tenant, the surrendered tenancy and the new tenancy shall be deemed to be the same for the purposes of this section. Where a tenant has remained in his holding during a change or changes of tenancy, the improvements made during any former tenancy shall not the less be deemed to be his by reason of the change of tenancy.

Definitions.

27. In the construction of this Act the following words and expressions shall have the meaning hereby assigned to them, unless there be something in the context repugnant thereto; that is to say,

"Contract of tenancy" means a letting or agreement for the letting of any holding:

"Tenant" means a person occupying land under a contract of tenancy, and includes the successors in title to a tenant:

"Landlord" means the immediate landlord or the person for the time being entitled to receive the rents and profits or take possession of a holding held by his tenant, and includes the successors in title to a landlord:

"Landlord" or "tenant" includes the executors, administrators, assignees, legatee, disponee, or next of kin, husband, guardian, curator bonis, or trustees in bankruptcy of a landlord or tenant:

"Holding" during the continuance of a tenancy means a parcel of land, with or without buildings, held by a tenant of a landlord for the same term and under the same contract of tenancy; and, upon the determination of such tenancy, means the same parcel of land discharged from the tenancy:

"Improvement" means any work or building, which being executed adds to the letting value of the holding on which it is executed, as also tillages, manures, or other like farming works, the benefit of which is unexhausted, including the planting of trees:

"Person" includes a body of persons and a corporation:

"Treasury" means the Commissioners of Her Majesty's Treasury.

Saving in case of certain holdings.

28. This Act shall not apply to—

(1.) Any holding which is not agricultural or pastoral in its character, or partly agricultural and partly pastoral; or

(2.) Any holding let to the tenant during his continuance in any office, appointment, or employment; or

(3.) Any holding let to the tenant for the temporary convenience or to meet a temporary necessity either of the landlord or tenant; or

(4.) Any holding which the tenant holds by reason of his being a hired labourer or hired servant; or

(5.) Any letting for the purposes of agistment, or for temporary depasturage.

Crofters Holdings (Scotland) (No. 2.).

A

B I L L

To amend the Crofters Holdings (Scotland) Acts.

(*Prepared and brought in by Dr. Clark, Mr. Angus Sutherland, Dr. M'Donald, and Mr. Mackintosh.*)

Ordered, by The House of Commons, *to be Printed,* 26 *November* 1890.

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[*Price* 2*d.*]

[Bill 78.]

A

B I L L

INTITULED

An Act to amend the Law relating to the Custody of Children. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Power of Court as to production of child.

1. Where the parent of a child applies to the High Court or the Court of Session for a writ or order for the production of the child, and the Court is of opinion that the parent has abandoned or deserted the child, or that he has otherwise so conducted himself that the Court should refuse to enforce his right to the custody of the child, the Court may in its discretion decline to issue the writ or make the order.

Power to Court to order repayment of costs of bringing up child.

2. If at the time of the application for a writ or order for the production of the child the child is being brought up by another person, or is boarded out by the guardians of a poor law union, the Court may, in its discretion, if it orders the child to be given up to the parent, further order that the parent shall pay to such person, or to the guardians of such poor law union, the whole of the costs properly incurred in bringing up the child, or such portion thereof as shall seem to the Court to be just and reasonable, having regard to all the circumstances of the case.

Court in making order to have regard to conduct of parent.

3. Where a parent has—

(*a*) abandoned or deserted his child; or

(*b*) allowed his child to be brought up by another person at that person's expense for such a length of time and under such circumstances as to satisfy the Court that the parent was unmindful of his parental duties;

the Court shall not make an order for the delivery of the child to the parent unless the parent has satisfied the Court that, having

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regard to the welfare of the child, he is a fit person to have the custody of the child.

Power to Court as to child's religious education.

4. Upon any application by the parent for the production or custody of a child, if the Court is of opinion that the parent ought not to have the custody of the child, and that the child is being brought up in a different religion to that in which the parent has a legal right to require that the child should be brought up, the Court shall have power to make such order as it may think fit to secure that the child be brought up in the religion in which the parent has a legal right to require that the child should be brought up. Nothing in this Act contained shall interfere with or affect the power of the Court to consult the wishes of the child in considering what order ought to be made, or diminish the right which any child now possesses to the exercise of its own free choice.

Definitions of "parent" and "person."

5. For the purposes of this Act the expression "parent" of a child includes any person at law liable to maintain such child or entitled to his custody, and "person" includes any school or institution.

Short title.

6. This Act may be cited as the Custody of Children Act, 1891.

Custody of Children.

[H.L.]

A

B I L L

INTITULED

An Act to amend the Law relating to the Custody of Children.

(*Brought from the Lords* 13 *February* 1891.)

Ordered, by The House of Commons, *to be Printed*, 16 *February* 1891.

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[*Price* ½*d.*]

[Bill 216.]

A

B I L L

TO

Grant certain Duties of Customs and Inland Revenue and to amend the Law relating to Customs and Inland Revenue. A.D. 1891.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

CUSTOMS.

Import duties on tea.

1. The duties of Customs now chargeable upon tea shall continue to be levied and charged, on and after the first day of August one thousand eight hundred and ninety-one until the *first day of August one thousand eight hundred and ninety-two*, on the importation thereof into Great Britain or Ireland (that is to say):—

Tea, the pound - - - - *Fourpence.*

INLAND REVENUE.

Grant of duties of income tax.

2.—(1.) There shall be charged, collected, and paid for the year which commenced on the *sixth day of April one thousand eight hundred and ninety-one*, in respect of all property, profits, and gains mentioned or described as chargeable in the Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, the following duties of income tax (that is to say):—

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For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act, the duty of *sixpence*.

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act—

In England, the duty of *threepence*.

In Scotland and Ireland respectively, the duty of *twopence farthing*.

(2.) All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and ninety-one, shall have full force and effect with respect to the duties of income tax hereby granted so far as the same are consistent with this Act.

Assessment of income tax under Schedules (A.) and (B.) and of the inhabited house duties for the year 1891–92.

32 & 33 Vict. c. 67.

3.—(1.) The sum charged as the annual value of any property elsewhere than in the metropolis as defined by the Valuation (Metropolis) Act, 1869, in the assessment of income tax thereon for the year which commenced on the sixth day of April one thousand eight hundred and ninety, shall be taken as the annual value of such property for the assessment and charge thereon of the duties of income tax hereby granted under Schedules (A.) and (B.).

(2.) The sum charged as the annual value of every inhabited house elsewhere than in the said metropolis made thereon for the year which commenced as respects England on the sixth day of April one thousand eight hundred and ninety, and as respects Scotland on the twenty-fifth day of May one thousand eight hundred and ninety, shall be taken as the annual value of the inhabited house for the assessment and charge thereon of the duties on inhabited houses as respects England for the year which commenced on the *sixth day of April one thousand eight hundred and ninety-one*, and as respects Scotland for the year commencing on the *twenty-fifth day of May one thousand eight hundred and ninety-one*.

(3.) The inspectors or surveyors of taxes shall be the assessors of the said duties of income tax under Schedules (A.) and (B.), and of the said duties on inhabited houses.

SHORT TITLE.

Short title.

4. This Act may be cited as the Customs and Inland Revenue Act, 1891.

Customs and Inland Revenue.

A

BILL

To grant certain Duties of Customs and Inland Revenue and to amend the Law relating to Customs and Inland Revenue.

(*Prepared and brought in by Mr. Courtney, Mr. Chancellor of Exchequer, and Mr. Jackson.*)

Ordered, by The House of Commons, *to be Printed*, 28 *April* 1891.

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HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 297.]

A

BILL

TO

Amend the Law of Divorce in England. A.D. 1891.

WHEREAS it is expedient to amend the law relating to divorces in England, and to assimilate the law in England and Scotland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Petition of husband or wife for dissolution of marriage.

1. It shall be lawful for any wife whose husband is subject to the jurisdiction of the High Court of Justice in England to present a petition to that Court praying that her marriage may be dissolved on the ground that, since the celebration thereof, her husband has been guilty of adultery or of desertion without reasonable excuse for *four years* and upwards; and it shall be lawful for any husband to present a petition to the said Court, praying that his marriage may be dissolved on the ground that, since the celebration thereof, his wife has been guilty of desertion without reasonable excuse for *four years* and upwards, and such petition shall be heard and dealt with in the same manner as a petition presented under section twenty-seven of the Act twenty and twenty-one Victoria, chapter eighty-five.

Short title.

2. This Act may be cited as the Divorce Law Amendment Act, 1891.

[Bill 281.]

Divorce.

A

B I L L

To amend the Law of Divorce in England.

(*Prepared and brought in by Mr. Hunter, Mr. Asquith, Mr. Cobb, Mr. Fenwick, and Mr. Herbert Gardner.*)

Ordered, by The House of Commons, *to be Printed,* 14 *April* 1891.

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HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 281.]

A

B I L L

TO

Relieve Landed Estates from Payments to Dowagers in proportion to the amount of Decrease in the Net Income of such Estates since the Allowances to the Dowagers were fixed. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Dowagers allowances to fall in proportion to decrease in value of estates charged.

1. That allowances to dowagers secured upon landed estates shall abate in future in proportion to the fall in the net income of such estates since the allowances were granted.

Amount of abatement to be fixed by judge of county court.

2. That such abatement shall be decided upon as to amount by the judge of the county court in whose district the estate in question is situated; such decision to be subject to appeal in the High Court of Justice.

Short title.

3. This Act may be cited as the Dowagers Act, 1891.

Dowagers.

A

BILL

To relieve Landed Estates from Payments to Dowagers in proportion to the amount of Decrease in the Net Income of such Estates since the Allowances to the Dowagers were fixed.

(Prepared and brought in by Mr. Atkinson, Mr. Johnston, and Mr. Howorth.)

Ordered, by The House of Commons, *to be Printed,* 3 *March* 1891.

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88 and 90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 237.]

A

B I L L

TO

Amend the Law relating to the Drainage and Improvement of Land in Ireland. A.D. 1890.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Drainage and Improvement of Land (Ireland) Act, 1891.

Application of Act.

2. This Act shall extend to Ireland only.

Tenant may by agreement be substituted for proprietor of land in drainage district. 26 & 27 Vict. c. 88.

3. Where, in the case of any land included in any drainage district proposed to be constituted pursuant to the provisions of the Drainage and Improvement of Land Act (Ireland), 1863, and the Acts amending the same (which Act and the Acts amending the same are herein-after referred to as 'the said Acts"), the proprietor of the said lands and the person occupying the same as tenant shall so agree, such tenant shall for the purposes of the said Acts be substituted for the proprietor of the said lands.

Tenant may be substituted for proprietor by Board of Works in certain cases.

4. If, within the time limited for making objections to the report of the inspector sent by the Board of Works to make inquiries respecting the proposed formation of any drainage district pursuant to the provisions of the said Acts, the proprietor of any land included within the proposed district dissents from or does not assent to the formation of such district, the person occupying such land as tenant may apply to the Board of Works to be substituted for the proprietor for the purposes of the said Acts; and if, after the Board of Works have served on the said proprietor notice of the said application, the said proprietor does not within a period to be prescribed by such notice assent to the formation of the district, the Board of Works, after hearing any objection made by the said proprietor, and any other person having any estate or interest in the land, and on its appearing to them—

(*a*) that the drainage works proposed to be executed will effect immediately or prospectively an increase in the annual value of the said land proportionate to the sums likely to be charged

A.D. 1890.

thereon in respect of the cost of the said works and the maintenance and repair thereof; and

(*b*) that the amount likely to be charged on the said lands as aforesaid, or a substantial part thereof, is likely to become payable during the continuance of the tenancy under which the person occupying the said lands as tenant holds the same,

and having regard generally to the justice of the case, may, if they think fit, by order direct that such tenant shall, for the purposes of the said Acts, be substituted for the proprietor of the said lands.

Tenant substituted for proprietor to have the rights and liabilities of proprietor.

5. Where in pursuance of this Act the tenant of any lands is substituted for the proprietor thereof for the purposes of the said Acts, such tenant, and every person in whom the tenancy under which such tenant holds the said lands at the time of such substitution is for the time being vested, shall, for the purposes of the said Acts, during the continuance of such tenancy, and in respect of the said lands, be vested with all the rights and be subject to all the liabilities and obligations of a proprietor; and the proprietor shall, during the same period, be divested of such rights and exempt from such liabilities and obligations; but on the determination of the said tenancy the proprietor shall become vested with and subject to all such rights, liabilities, and obligations as aforesaid.

Definition of "tenant" and "tenancy." 44 & 45 Vict. c. 49.

6. For the purposes of this Act the words "tenant" and "tenancy" shall have the same meaning as in the Land Law (Ireland) Act, 1881, and the provisions of that Act respecting the determination of a tenancy shall apply in the case of a tenancy to which the provisions of this Act are applicable.

Mode of service of notices.

7. The notice required to be served on the proprietor of any lands in pursuance of the provisions of the fourth section of this Act may be served in like manner as the notice to proprietors referred to in the first sub-section of the sixth section of the Drainage and Improvement of Land Act (Ireland), 1863, is therein required to be served: Provided that where any notice is served on the agent of the person required to be served pursuant to the provisions of the said Acts, or of this Act, such service need not be personal, but may be effected on such agent by leaving the notice at the usual place of abode or at the office or place of business of such agent, or by forwarding the same by post in a prepaid letter addressed to the usual place of abode or the office or place of business of such agent.

This Act and former Acts to be read together.

8. The said Acts and this Act shall be construed together as one Act, and may be cited as the Drainage and Improvement of Land (Ireland) Acts, 1863 to 1891.

Drainage and Improvement of Land (Ireland).

A

B I L L

To amend the Law relating to the Drainage and Improvement of Land in Ireland.

(*Prepared and brought in by Mr. Maurice Healy, Mr. Chance, Mr. Deasy, and Mr. T. M. Healy.*)

Ordered, by The House of Commons, *to be Printed*, 26 *November* 1890.

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HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 66.]

o be substituted for Bill already circulated.]

A

B I L L

TO

Limit the duration of Speeches in Parliament. A.D. 1891.

WHEREAS despatch of business is secured by notice of time occupied by, and by limitation of speeches, as was carried out at the Social Science Congresses at Edinburgh and Dublin, at the Œcumenical Conference, London, and at the Diocesan Conferences at Lichfield, Nottingham, and Derby:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Length of speeches.

1. From and immediately after the *passing of this Act* no privy councillor in either House of Parliament shall speak above half an hour before a notice hereunder described shall have been given him, and in the case of members of either House not being privy councillors the time before the same notice is given shall not exceed one quarter of an hour.

Notice by clerk of time.

2. The clerk of each House shall record by writing the commencement of each speech, and at the end of half an hour for privy councillors, and of a quarter of an hour for all others, the clerk shall sound such a bell as is used at diocesan conferences.

Putting the question.

3. In case, after the sounding of such bell, no other peer or member of Parliament shall rise to speak, the question shall be put.

Short title.

4. This Act may be cited as the Duration of Speeches in Parliament Act, 1891.

[To be substituted for Bill already circulated.]

Duration of Speeches (Parliament).

A

B I L L

TO

Limit the duration of Speeches in Parliament.

(*Prepared and brought in by Mr. Atkinson and Sir Roper Lethbridge.*)

Ordered, by The House of Commons, *to be Printed*, 2 *December* 1890.

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and 21, Drury Street, Glasgow; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 143.]

A

B I L L

TO

Make better provision for the Administration of certain Educational Endowments in the County of Banff. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Amendment of Banffshire educational endowment scheme.

1. From and after *the commencement of this Act* the twenty-sixth section of the scheme, under the Educational Endowments (Scotland) Act, 1862, for the administration of the endowments known as the Redhythe Bursaries, George Smith's Bounty, and the Stuart Mortification, in the county of Banff, shall be read as if after the words "given in said school" the following words were inserted, "or with the consent of the governors at any school where "higher instruction is efficiently given, which the bursar could "attend while living with parents or relatives."

Short title.

2. This Act may be cited as the Banffshire Educational Endowments Act, 1891.

[Bill 208.]

Educational Endowments (Banffshire).

A

B I L L

To make better provision for the Administration of certain Educational Endowments in the County of Banff.

(*Prepared and brought in by Mr. Asher, Mr. Duff, and Mr. James A. Campbell.*)

Ordered, by The House of Commons, *to be Printed,* 11 *February* 1891.

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HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 208.]

A

B I L L

TO

Restrict the Hours of Labour in all Trades and Industries to Eight per Day.

A.D. 1891.

WHEREAS it is desirable and expedient to protect the industrial classes against the evils arising from excessive hours of labour:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Contracts for hire of labour.

1. On and after the *first day of January one thousand eight hundred and ninety-two* no person shall work or cause or suffer any other person to work on sea or land in any capacity under any contract or agreement, or articles for hire of labour, or for personal service on sea or land (except in case of accident), for more than eight hours in any one day of twenty-four hours, or for more than forty-eight hours in any week.

Penalties and fines.

2. Any employer, manager, or other person who shall knowingly cause or suffer any person subject to his or her authority or commands, or in his or her employment, to work on sea or land in any capacity under any contract or agreement, or articles for hire of labour, or for personal service (except in case of accident), for more than eight hours in any one day of twenty-four hours, or for more than forty-eight hours in any week, shall, on conviction, be liable to a penalty of not less than *ten pounds* nor more than *one hundred pounds* for every such offence.

Summary proceedings for offences, fines, &c.

3. All offences under this Act, and all money and costs directed by this Act to be recovered as fines, may be prosecuted and recovered in a manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction.

A.D. 1891.

Summary orders to be made on complaint.

4. Summary orders under this Act may be made on complaint before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

Short title.

5. This Act may be cited for all purposes as the Eight Hours Act, 1891.

Eight Hours.

A

B I L L

To restrict the Hours in all Trades and Industries to Eight per Day.

(*Prepared and brought in by Mr. Cunninghame Graham, Mr. Randell, Mr. W. Abraham* (*Rhonda*), *Mr. Conybeare, and Dr. Clark.*)

Ordered, by The House of Commons, *to be Printed,* 26 *November* 1890.

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and 21, Drury Street, Glasgow; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 85.]

A

B I L L

TO

Amend the Law relating to Personation Agents at Elections. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. 1. This Act may be cited as the Personation Agents at Elections Act, 1891.

Commencement of Act. 2. This Act shall come into operation immediately on the *passing* thereof.

Amendment of law as to personation agents. 3. Whereas by the Act sixth and seventh Victoria, chapter eighteen, section eighty-five, it is provided "that it shall be lawful "for any candidate at any election of a member or members to "serve in Parliament for any county, city, or borough, previous to "the time fixed for taking the poll at such election, to nominate "and appoint an agent or agents on his behalf to attend at each "or any of the booths appointed for taking the poll at such "election, for the purpose of detecting personation:" Be it enacted that notwithstanding anything in the said Act contained, no clerk in holy orders, parish priest, or other minister of religion shall be so nominated and appointed.

Elections (Personation Agents).

A

B I L L

To amend the Law relating to Personation Agents at Elections.

(*Prepared and brought in by Mr. Byron Reed, Mr. J. M. Maclean, Mr. Macartney, Mr. Grotrian, Mr. T. W. Russell, Mr. Smith-Barry, and Mr. Gainsford Bruce.*)

Ordered, by The House of Commons, *to be Printed*, 28 *January* 1891.

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HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 174.]

Electoral Disabilities Removal Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Temporary absence of person in performance of duty not to disqualify as elector.

A

B I L L

TO

Remove certain Disabilities of Persons by reason of absence to be registered as Voters at Parliamentary and Local Elections. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Electoral Disabilities Removal Act, 1891.

Temporary absence of person in performance of duty not to disqualify as elector.

2. A man shall not be disqualified from being registered—

(*a.*) in the parliamentary register of electors for a county or borough in respect of his inhabitant occupation of a dwelling-house or lodgings or his occupation of any land or tenement; or

(*b.*) in the local government register of electors for a county or borough in respect of his occupation of any house, warehouse, counting house, shop, building, land, or tenement,

by reason only that during part of the qualifying period not exceeding *four months* at any one time, he has in the performance of any duty arising from or incidental to any office, service, or employment held or undertaken by him been absent from his dwelling-house or lodgings, or not resided in or within the required distance from such county or borough.

Electoral Disabilities Removal.

A

B I L L

To remove certain Disabilities of Persons by reason of absence to be registered as Voters at Parliamentary and Local Elections.

(*Prepared and brought in by Mr. Attorney General, Mr. Solicitor General, and Mr. Long.*)

Ordered, by The House of Commons, *to be Printed,* 2 *February* 1890.

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HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

[*Price* 1*d.*]

[Bill 182.]

Electors' Qualification and Registration Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title and commencement.
2. Extent of Act.

Modification of Law as to Qualification and Franchise.

3. Repeal of provisions as to payment of rates and assessed taxes.
4. Alteration of period of qualification.
5. Inquiries under s. 9 (3) of 48 Vict. c. 3.
6. Returns of deaths under 41 & 42 Vict. c. 26. s. 11.
7. Application of provisions to burgesses and county electors.
8. Successive occupation.
9. Voters not to vote at parliamentary elections in more than one electoral area.

Registration.

10. Registration superintendent in counties and county boroughs.
11. Duties of overseers in relation to registration superintendent.
12. Appointment of registration assistant in parishes with population of more than 500.
13. Assistance to overseers in small parishes.
14. Registration superintendent to call attention of revising barrister to certain matters.
15. Alteration of times for registration.
16. Arrangement of lists and registers in boroughs according to streets.
17. Application of s. 24 of 41 & 42 Vict. c. 26. to all lists of voters.
18. Transmission of overseers lists by post.
19. Adaptation of precepts and forms.

Revision of Lists and completion of Register.

Clause.
20. Alteration of period for revision
21. Extension of powers of revising barrister.
22. Completion, commencement and duration of parliamentary register.

Definitions.

23. Definitions.
24. Repeal.
SCHEDULE.

A

B I L L

TO

Amend the Law with respect to the Qualification and Registration of Electors at Parliamentary, Municipal, and County Elections in England and Wales. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Qualification and Registration of Electors Amendment Act, 1891, and, save as otherwise provided, shall come into operation on the *twenty-fifth day of March one thousand eight hundred and ninety-two.* Short title and commencement.

2. This Act does not extend to Scotland or Ireland. Extent of Act.

Modification of Law as to Qualification and Franchise.

3. So much of any Act as requires any person to be rated, or any rate or assessed taxes to be paid, for the purpose of entitling a person to be qualified as a parliamentary elector, shall be repealed. Repeal of provisions as to payment of rates and assessed taxes.

4. In every parliamentary county and in every parliamentary borough every period of qualification for parliamentary electors which is now computed by reference to the period of twelve months or six months immediately preceding the fifteenth day of July shall be computed by reference to the period of three months immediately preceding the *twenty-fifth day of June;* and in all enactments relating to such qualification the latter day shall be substituted for the fifteenth day of July or the last day of July, as the case requires, and *three months* shall be substituted for six and twelve months accordingly; but the said *twenty-fifth* day of June shall not in any case be included in the period of qualification. Alteration of period of qualification.

The term "period of qualification" in this Act shall include any period affecting the qualification of an elector whether in respect

A.D. 1891.

of occupation, residence, possession, receipt of rents and profits, coming of age, receipt of parochial relief or other alms, or otherwise.

Inquiries under s. 9 (3) of 48 Vict. c. 3.

5. Subsection three of section nine of the Representation of the People Act, 1884, shall be construed as making it a duty of the overseers under the Registration Acts to serve in every case the requisition in the form specified in the Third Schedule to the Representation of the People Act, 1884, and *fourteen* days shall be substituted in the said subsection for twenty-one days. The neglect to serve such requisition in any case shall be deemed to be a separate breach of duty, and the penalty imposed by the said subsection for failing to make any such return pursuant to such requisition shall apply also to the omission from the return of the name of any inhabitant occupier whose name is required by law to be entered therein.

Returns of deaths under 41 & 42 Vict. c. 26. s. 11.

6. Section eleven of the Parliamentary and Municipal Registration Act, 1878, is hereby repealed from the words "the returns shall be made" to "December," and in lieu thereof it is enacted as follows:—

The returns shall be made four times a year, that is to say:—

On or before the *seventh day of April* for the period beginning with the preceding first of January, and ending with the preceding twenty-fifth day of March.

On or before the *thirtieth day of June* for the period beginning with the preceding twenty-sixth day of March, and ending with the twenty-fourth day of June.

On or before the *twentieth day of August* or at such other time before the completion of the revision of the lists to which the return relates as the barrister revising the same shall appoint for the period beginning with the preceding *twenty-fifth day of June*, and ending with the time when the return is made, or as near thereto as practicable.

And on or before the *seventh day of January* for the period beginning with the preceding *twenty-first day of August*, or for the time for which the last preceding return was made, and ending with the thirty-first day of December.

Application of provisions to burgesses and county electors.

7. The foregoing provisions of this Act shall apply to the qualification and registration of burgesses and county electors as well as to the qualification and registration of parliamentary electors.

Successive occupation.

8. The occupation by an occupation voter of different qualifying premises (whether of the same or of a different qualifying character) in immediate succession during the period of qualification

shall have the same effect in qualifying such voter to vote at a parliamentary election as a continued occupation of any one of the said premises during the whole of the period of qualification would have had.

The expression "qualifying premises" in this Act means any house, land, tenement, lodgings, or other property capable of qualifying a person as an occupation voter as defined by the Registration Act, 1885.

Voters not to vote at parliamentary elections in more than one electoral area.

9. A person shall not be entitled to vote at an election of members to serve in Parliament in more than one electoral area, or to vote in different electoral areas during the same electoral year, although his name may be on the register of more than one such area.

Any person who having voted in one electoral area at an election of members to serve in Parliament votes or offers to vote at that election in any other electoral area, or who votes or offers to vote at any such election in different electoral areas during the same electoral year, shall, without prejudice to any other penalty which he may have incurred, be deemed guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883: Provided that no person shall be punished more than once for the same offence.

The expression "electoral year" in this section means the period for which the same register of parliamentary voters is in force.

Registration.

Registration superintendent in counties and county boroughs.

10.—(1.) For every county (other than the administrative county of London) and for every county borough there shall be an officer styled the registration superintendent, who shall be charged with the general superintendence of the registration of parliamentary electors and county electors (including burgesses in municipal boroughs which are not county boroughs) in the case of a county, and of parliamentary electors and burgesses in the case of a county borough, and who shall supervise the execution by the overseers of their duties under the Registration Acts.

(2.) In a county (other than the administrative county of London) the registration superintendent shall be the clerk of the county council or other fit person appointed by the county council; and in a county borough the registration superintendent shall be the town clerk or other fit person appointed by the council of the borough.

A.D. 1891.

(3.) For every parliamentary borough in the administrative county of London, the London county council shall appoint a fit person to be registration superintendent.

(4.) The county council or council of the borough, as the case may be, may, if they think it requisite, appoint an assistant or assistants to the registration superintendent.

(5.) The salary and expenses of the registration superintendent and of his assistants (if any) shall, in the case of a county (including the administrative county of London), be paid out of the county fund and charged to the general county account, and in the case of a county borough be paid out of the borough fund or borough rate.

Duties of overseers in relation to registration superintendent.

11. The overseers of every parish shall furnish the registration superintendent with copies of the lists of voters and of claims and objections as soon as practicable after they are printed, and with any other document or information that he may require, and generally shall comply with any directions that they may receive from him.

Any overseer or other officer who fails to comply with any of the requirements of this section, or with any directions of the registration superintendent, shall be liable on summary conviction to a penalty not exceeding *five pounds*.

Appointment of registration assistant in parishes with population of more than 500.

12. Where a parish has a population according to the census for the time being in force exceeding five hundred in number, and, with the exception of the overseers, there is no vestry clerk or other officer whose duty it is to make out the lists of parliamentary voters therein, the vestry shall, on or before the *first day of May* in each year, appoint an officer to be called the registration assistant, whose duty it shall be, subject to the directions of the overseers, to give the notices under the Registration Acts, and to prepare the lists of voters claims and objections for such parish, and do all other acts directed by the overseers to be done in respect of registration.

If the vestry make in any year default in appointing such officer, the guardians of the union in which such parish is situate shall, as soon as may be after the said *first day of May*, appoint a registration assistant.

The registration assistant shall be paid such salary out of the poor rates of the parish as may be fixed by the vestry or guardians, as the case may be.

Subsection (2) (*h*) of section four of the County Electors Act, 1888, is hereby repealed.

Assistance to overseers in small parishes.

13. The overseers of a parish for which a registration assistant has not been appointed may employ such persons as may be necessary for the purposes of serving notices, collecting returns, making inquiries, and otherwise aiding them in the registration of voters, and may pay to such persons out of the poor rates of the parish such remuneration as the revising barrister may allow.

Registration superintendent to call attention of revising barrister to certain matters.

14. The registration superintendent shall from time to time call the attention of the revising barrister to any violation or neglect by the overseers of the precept or instructions addressed to them, with a view to such overseers being fined for such violation or neglect; and shall also call the attention of the revising barrister to all corrections which appear to him to require to be made by the revising barrister in the list of electors, and particularly to every case of a person being entered more than once in the list of electors for the same parliamentary county or borough.

Alteration of times for registration.

15. The times for matters connected with the registration of persons entitled to vote at parliamentary, municipal, or county council elections, shall be those specified in the Schedule to this Act, and the times therein mentioned shall be substituted for the times specified respectively in the Registration Acts.

Arrangement of lists and registers in boroughs according to streets.

16. Section twenty-one of the Parliamentary and Municipal Registration Act, 1878, is hereby repealed, and in lieu thereof it is hereby enacted that in all parliamentary boroughs and municipal boroughs the lists, registers, and rolls of voters, and the lists of claimants and persons objected to in such boroughs respectively, or any of those documents shall, so far as they relate to persons qualified in respect of the ownership or occupation of property (including persons qualified in respect of lodgings), be arranged in the same order in which the qualifying premises appear in the rate book for the parish in which those premises are situate, or as nearly thereto as will cause those lists, registers, and rolls to record the qualifying premises in successive order in the street or other place in which they are situate, subject, in the case of a municipal borough divided into wards, to the division of the burgess roll into ward lists.

Application of s. 24 of 41 & 42 Vict. c. 26. to all lists of voters.

17. Section twenty-four of the Parliamentary and Municipal Registration Act, 1878, which authorises a declaration to be made for correcting an incorrect statement or other error or omission in a list of voters for a borough, shall apply and extend to incorrect statements and other errors and omissions in every list of persons entitled to vote at a parliamentary, municipal, or county council

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election; and in construing that section the term "town clerk" shall include "clerk of the county council."

Transmission of overseers lists by post.

18. Where the overseers are required to furnish copies of the lists made out by them under the Registration Acts, they shall, on the request of any person applying for any such copies, send the same by post to such person upon receipt of the statutory payment and postage required for the same.

Adaptation of precepts and forms.

19. All precepts, instruments, proceedings and notices relating to the registration of voters shall be framed and expressed in such manner and form as may be necessary for carrying into effect the Registration Acts, including this Act.

Revision of Lists and completion of Register.

Alteration of period for revision.

20. The first day for holding a court for the revision of the lists of voters in a county or borough shall be the *twentieth day of August*, and a court for revision shall not be held after the *twentieth day of September following*.

Extension of powers of revising barrister.

41 & 42 Vict. c. 26.

21. Notwithstanding anything contained in section twenty-eight of the Parliamentary and Municipal Registration Act, 1878, the revising barrister on proof to his satisfaction that a person is duly qualified to be placed on the list of voters shall change the description of the nature of the qualification or of the name and situation of the qualifying property as appearing in any list or claim, although the effect of such change may be to substitute another qualification for the one appearing on the list or claim.

The revising barrister (notwithstanding anything contained in the said section twenty-eight) shall act under this section on such evidence as he thinks sufficient, and he may dispense with a declaration where hitherto required, if he thinks it unnecessary.

Completion, commencement, and duration of parliamentary register.

22. The revised lists of parliamentary voters shall be signed and delivered to the sheriff or other returning officer on or before the *thirty-first day of October*, and the register of parliamentary voters shall come into operation on the *first day of November* and continue in operation for the year commencing with the said first day of November.

Definitions.

Definitions.

23. In this Act, unless the context otherwise requires,

The expression "Registration Acts" means any enactments for the time being in force relating to the registration of persons

entitled to vote at parliamentary, municipal, or county council elections, inclusive of any enactments relating to revising barristers, and of any enactments relating to rating in so far as they are auxiliary to or deal with the registration of voters.

The expression "vestry" means the inhabitants of the parish in vestry assembled, or a select vestry or other body of persons lawfully acting as or instead of a vestry or select vestry.

Other expressions have the same meaning as in the Registration Act, 1885.

Repeal.

24. So much of any Act as is inconsistent with the provisions of this Act is hereby repealed.

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SCHEDULE.

ALTERATION OF DATES.

Matters to which Dates relate.	Present Dates.	Substituted Dates.
Publication of ownership portion of register and of notice to send in claims.	20th June	1*st June*
Order as to polling districts - - -	1st July	1*st June*
Ownership claims - - - - -	20th July	30*th June*
Issue of precepts to clerks of Livery Companies in London.	20th July	10*th June*
Claims by lodgers on current register to be on old lodgers list.	25th July	6*th July*
Removal of copy of ownership portion of register from place of publication.	25th July	1*st July*
Ascertaining names of persons disqualified by parochial relief.	31st July	12*th July*
Preparation of list of ownership claimants and of lists of voters and freemen, and in the city of London the transmission of the lists made out by the clerks of Livery Companies.	31st July	12*th July*
Publication of copy of ownership register and list of ownership claimants; also of list of voters and illegal practices list.	1st August	13*th July*
Claims of new lodgers (first day) - - -	1st August	13*th July*
Claims (other than those in respect of ownership) and objections.	20th August	31*st July*
Publication of list of claims lastly referred to, and objections.	25th August	6*th August*
Appointment of additional revising barristers -	1st September	10*th August*
Transmission of declarations as to place of abode, errors, and omissions.	5th September	15*th August*
Inspection of declarations - - -	8th September	19*th August*
Transmission of copy of register to Secretary of State.	1st February	1*st December*

Electors' Qualification and Registration.

A

B I L L

To amend the Law with respect to the Qualification and Registration of Electors at Parliamentary, Municipal, and County Elections in England and Wales.

(*Prepared and brought in by Mr. Stansfeld, Mr. Childers, and Sir Charles Russell.*)

Ordered, by The House of Commons, *to be Printed,* 26 *November* 1890.

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[*Price* 1½*d.*]

[Bill 44.]

Electors Registration (Acceleration) Bill.

MEMORANDUM.

Under the Registration of Electors Acts the Local Government registers of electors are in each year after 1890 required to be completed on or before the 20th October, and come into operation on the 1st November following.

Under those Acts the lists of persons entitled to be entered respectively in the Parliamentary register of electors and in the Local Government register of electors are required to be made out and revised together, and the time between the last day for the revision of the lists and the 20th October is too short to allow in many cases of the due completion of the register.

The Bill therefore proposes to accelerate the preparation of the lists, and for that purpose to alter the dates of qualification and of registration proceedings.

In consequence of the acceleration of dates, the Bill proposes to make the Parliamentary register come into operation on the 1st November instead of the 1st January.

The Bill does not propose in any way to alter the franchise.

Electors Registration (Acceleration) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Alteration of dates of qualification and registration.
2. Acceleration of revision.
3. Acceleration of date for operation of Parliamentary register.
4. Definitions, short title, and construction.
5. Repeal.

SCHEDULES.

A

B I L L

TO

Accelerate the Proceedings for the Registration of Electors in England and Wales, and to alter certain dates connected therewith. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Alteration of dates of qualification and registration.

1.—(1.) Every period of qualification for any elector which is now computed by reference to the fifteenth day of July shall, instead of being so computed, be computed by reference to the *twenty-sixth day of June*, which day shall be substituted in the Registration of Electors Acts, and in any other enactment relating to such qualification, for the fifteenth day of July and for the last day of July, so far as respects qualification and incapacity, and the title of any person to have his name inserted in any list or register.

(2.) The dates specified in the fourth column of the First Schedule to this Act opposite to the fifteenth day of July and the last day of July respectively shall be substituted for those dates so far as regards the matters specified opposite thereto in the first and second columns of the schedule, and the other dates specified in the fourth column of the First Schedule shall be substituted for the dates under the Registration of Electors Act which are set forth opposite thereto in the third column of that schedule, and all periods which in pursuance of those Acts are computed by reference to any of the said dates shall be computed by reference to the substituted date.

Acceleration of revision.

2. The lists of Parliamentary voters and of burgesses and of county electors shall be revised between the *twentieth day of August* and the *twenty-third day of September*, both inclusive, and those dates shall be substituted in the Registration of Electors Acts for the old dates, and every revising barrister shall hold his

A.D. 1891.

courts for revision on the earliest practicable days after the *nineteenth day of August*, and as far as possible shall sit continuously, exclusive of Sunday, and when he has commenced the revision of the lists of electors in any Parliamentary county, or in any Parliamentary or municipal borough wholly or partly situate therein, he shall complete the revision of all lists in such county and in any such borough before he begins the revision of the lists of electors in any other county or in any borough situate in another county.

Acceleration of date for operation of Parliamentary register.

3. The *thirty-first day of October* shall be substituted for the thirty-first day of December as the day on or before which the lists are to be signed and delivered by the clerks of the peace and town clerks to the returning officer for a Parliamentary county or borough, and the *first day of November* shall be substituted for the first day of January as the day on which the Parliamentary register of electors comes into operation.

Definitions, short title, and construction.

4.—(1.) In this Act—

The expression "Registration of Electors Acts" means the Registration of Electors Acts, 1843 to 1888, as amended by section seventy-six of the Local Government Act, 1888;

6 & 7 Vict. c. 18.

51 & 52 Vict. c. 10.

51 & 52 Vict. c. 41.

The expression "elector" means any Parliamentary voter, any burgess, and any county elector; and

The expression "period of qualification" includes any period of occupation, residence, possession, receipt of rents and profits, and non-receipt of parochial relief or other alms.

(2.) This Act may be cited as the Registration of Electors Act, 1891, and shall be construed as one with the Registration of Electors Acts, and those Acts and this Act may be cited together as the Registration of Electors Acts, 1843 to 1891, and any copy of any of those Acts printed after the *passing of this Act* which contains any of the dates mentioned in the third column of the First Schedule to this Act may be printed with the substitution therein of the date substituted therefor by this Act.

Repeal.

5. The Acts mentioned in the Second Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned.

SCHEDULES.

A.D. 1891.

FIRST SCHEDULE.

SUBSTITUTED DATES.

1st Column. Proceedings concerned with County Ownership Voters.	2nd Column. Proceedings concerned with Borough Voters and County Occupation Voters and Local Government Electors.	3rd Column. Old Dates. Date in Original Enactment.	3rd Column. Old Dates. Present Date.	4th Column. Substituted Dates.
	Payment of rates - -		1st June -	13*th May*.
Publication by overseers of notice to send in claims, and of copy of register.	Publication and service by overseers of notice as to payment of rates, and of assessed taxes.		20th June -	1*st June*.
Inspection by overseers of tax assessments and duplicates, and extraction of particulars.	Inspection by overseers of tax assessments and duplicates, and extraction of particulars.		Month of July	*Month of June*.
Order as to polling districts -	Order as to polling districts -		1st July -	1*st June*.
Returns of deaths for registration purposes.	Returns of deaths for registration purposes.		15th July -	26*th June*.
Ditto - -	Ditto - -		16th July -	27*th June*.
Last day for claims - -	- - - - - -		20th July -	1*st July*.
	Last day for payment of rates due up to 5th of January last, and for payment of assessed taxes.		20th July -	15*th June*.
	Last day for issue of precepts to clerks of livery companies in City of London.		20th July -	15*th June*.
	Last day for overseers making list of rate defaulters.		22nd July -	17*th June*.
Returns of deaths for registration purposes.	Returns of deaths for registration purposes.		22nd July -	3*rd July*.
Removal of copy of register -	- - - - - -	20th July -	25*th July* -	1*st July*.
	Last day for claim by lodgers on current register to be on old lodgers list.		25th July -	6*th July*.
Last day for ascertaining by overseers the names of persons disqualified by parochial relief.	Last day for ascertaining by overseers the names of persons disqualified by parochial relief.		31st July -	12*th July*.
Last day for overseers preparing list of claimants, and making marginal objections to that list and in the old register.	Last day for overseers making lists of voters and for town clerks making lists of freemen, and in the City of London for clerks of livery companies transmitting lists of voters.		31st July -	12*th July*.

1st Column. Proceedings concerned with County Ownership Voters.	2nd Column. Proceedings concerned with Borough Voters and County Occupation Voters and Local Government Electors.	3rd Column. Old Dates. Date in Original Enactment.	3rd Column. Old Dates. Present Date.	4th Column. Substituted Dates.
Last day for overseers publishing copy of register with marginal additions, and list of claimants, and corrupt and illegal practices list.	Last day for overseers and town clerks publishing lists of voters or freemen, and corrupt and illegal practices list.		1st August -	13*th July.*
	First day for claims of new lodgers.		1st August -	13*th July.*
Last day for objections - -	Last day for claims and objections (including claims of new lodgers).	25th August -	20th August -	1*st August.*
Last day for overseers publishing list of persons objected to.	Last day for overseers and town clerks publishing lists of claimants and persons objected to.	1st September	25th August -	6*th August.*
Last day for overseers delivering to clerk of county council copy of register, with the marginal additions, list of claimants, and list of persons objected to.	Last day for overseers delivering copies of lists of voters, of claimants and persons objected to, to town clerk or clerk of county council.	29th August -	25th August -	6*th August.*
Date after which additional revising barristers may be appointed.	Date after which additional revising barristers may be appointed.	5th September	1st September	12*th August.*
Last day for transmission to clerk of county council of declarations as to place of abode.(1)	Last day for transmission to town clerk, clerk of county council of declarations as to errors and omissions.(2)	(1) 12th September. (2) 14th September.	5th September	16*th August.*
Last day for inspection of declarations.(1)	Last day for inspection of declarations. (2)	(1) 15th September. (2) 20th September.	8th September	19*th August.*
Returns of deaths for registration purposes.	Returns of deaths for registration purposes.	15th September	8th September	20*th August.*
Transmission of copy of register to Secretary of State.	Transmission of copy of register to Secretary of State.	1st February	1st February	1st *December.*

NOTE.—In this schedule the expression "lists of voters" includes the old lodgers lists, lists of burgesses and county electors, and the expression "lists of claimants" includes claimants to be on the new lodgers lists.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
28 & 29 Vict. c. 36.	County Voters Registration Act, 1865.	Section two.
41 & 42 Vict. c. 26.	Parliamentary and Municipal Registration Act, 1878.	Section seven.
48 & 49 Vict. c. 15.	Registration Act, 1885 -	Section three, section four, from "shall be transmitted" to "declarations."
51 & 52 Vict. c. 10.	County Electors Act, 1888	Section six, down to "the fifth day of September" (being subsection one); section ten, from "An application to appoint" down to "September," (being subsection three).

Electors Registration (Acceleration).

A

B I L L

To accelerate the Proceedings for the Registration of Electors in England and Wales, and to alter certain dates connected therewith.

(*Prepared and brought in by Mr. Ritchie, Mr. Attorney-General, and Mr. Long*).

Ordered, by The House of Commons, *to be Printed*, 4 *December* 1890.

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[*Price* 1½*d.*]

[Bill 147.]

Electors Registration (Acceleration) Bill.

[AS AMENDED IN COMMITTEE.]

MEMORANDUM.

Under the Registration of Electors Acts the Local Government registers of electors are in each year after 1890 required to be completed on or before the 20th October, and come into operation on the 1st November following.

Under those Acts the lists of persons entitled to be entered respectively in the Parliamentary register of electors and in the Local Government register of electors are required to be made out and revised together, and the time between the last day for the revision of the lists and the 20th October is too short to allow in many cases of the due completion of the register.

The Bill therefore proposes to accelerate the preparation of the lists, and for that purpose to alter the dates of qualification and of registration proceedings.

In consequence of the acceleration of dates, the Bill proposes to make the Parliamentary register come into operation on the 1st November instead of the 1st January.

The Bill does not propose in any way to alter the franchise.

Electors Registration (Acceleration) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Alteration of dates of qualification and registration.
2. Acceleration of revision.
3. Acceleration of date for operation of parliamentary register.
4. Time for hearing appeals.
5. Definitions, short title, and construction.
6. Repeal.

SCHEDULES.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Accelerate the Proceedings for the Registration of Electors in England and Wales, and to alter certain dates connected therewith. A.D. 1891.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Alteration of dates of qualification and registration.

1.—(1.) Every period of qualification for any elector which is now computed by reference to the fifteenth day of July shall, instead of being so computed, be computed by reference to the twenty-sixth day of June, which day shall be substituted in the Registration of Electors Acts, and in any other enactment relating to such qualification, for the fifteenth day of July and for the last day of July, so far as respects qualification and incapacity, and the title of any person to have his name inserted in any list or register. Provided that in the case of the period of qualification computed by reference to the twenty-sixth day of June next after the passing of this Act, it shall be sufficient if the period commenced on the day on which it would have been required to commence if this Act had not passed.

(2.) The dates specified in the fourth column of the First Schedule to this Act opposite to the fifteenth day of July and the last day of July respectively shall be substituted for those dates so far as regards the matters specified opposite thereto in the first and second columns of the schedule, and the other dates specified in the fourth column of the First Schedule shall be substituted for the dates under the Registration of Electors Act which are set forth opposite thereto in the third column of that schedule, and all periods which in pursuance of those Acts are computed by reference to any of the said dates shall be computed by reference to the substituted date.

A.D. 1891.

Acceleration of revision.

2. The lists of parliamentary voters and of burgesses and of county electors shall be revised between the twentieth day of August and the twenty-third day of September, both inclusive, and those dates shall be substituted in the Registration of Electors Acts for the old dates, and every revising barrister shall hold his courts for revision on the earliest practicable days after the nineteenth day of August, and as far as possible shall sit continuously, exclusive of Sunday, and when he has commenced the revision of the lists of electors in any parliamentary county, or in any parliamentary or municipal borough wholly or partly situate therein, he shall complete the revision of all lists in such county and in any such borough before he begins the revision of the lists of electors in any other county or in any borough situate in another county.

Acceleration of date for operation of parliamentary register.

3. The thirty-first day of October shall be substituted for the thirty-first day of December as the day on or before which the lists are to be signed and delivered by the clerks of the peace and town clerks to the returning officer for a parliamentary county or borough, and the first day of November shall be substituted for the first day of January as the day on which the parliamentary register of electors comes into operation.

Every local government register of electors shall be completed on or before the twentieth day of October in each year.

Printed copies of every parliamentary register of electors, and of every local government register of electors shall, immediately after the day fixed by law for the completion of each register, be delivered to any person on payment of a reasonable price for each copy.

Time for hearing appeals.

4. The appeals from revising barristers shall be heard and decided as early as possible in the Michaelmas sittings in every year, and rules of court shall be made for the purpose of enabling them to be so heard, and may modify sections sixty-two to sixty-four of the Parliamentary Registration Act, 1843.

Definitions, short title, and construction.
6 & 7 Vict. c. 18.
51 & 52 Vict. c. 10.
51 & 52 Vict. c. 41.

5.—(1.) In this Act—

The expression "Registration of Electors Acts" means the Registration of Electors Acts, 1843 to 1888, as amended by section seventy-six of the Local Government Act, 1888;

The expression "elector" means any parliamentary voter, any burgess, and any county elector; and

The expression "period of qualification" includes any period of occupation, residence, possession, receipt of rents and profits, and non-receipt of parochial relief or other alms.

(2.) This Act may be cited as the Registration of Electors Act, 1891, and shall be construed as one with the Registration

of Electors Acts, and those Acts and this Act may be cited together as the Registration of Electors Acts, 1843 to 1891, and any copy of any of those Acts printed after the passing of this Act which contains any of the dates mentioned in the third column of the First Schedule to this Act may be printed with the substitution therein of the date substituted therefor by this Act. A.D. 1891.

6. The Acts mentioned in the Second Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned. Repeal.

A.D. 1891.

SCHEDULES.

FIRST SCHEDULE.

SUBSTITUTED DATES.

1st Column.	2nd Column.	3rd Column. Old Dates.		4th Column.
Proceedings concerned with County Ownership Voters.	Proceedings concerned with Borough Voters and County Occupation Voters and Local Government Electors.	Date in Original Enactment.	Present Date.	Substituted Dates.
	Notice of payment of rates -		1st June -	13th May.
Publication by overseers of notice to send in claims, and of copy of register.	Publication and service by overseers of notice as to payment of rates, and of assessed taxes.		20th June -	1st June.
Inspection by overseers of tax assessments and duplicates, and extraction of particulars.	Inspection by overseers of tax assessments and duplicates, and extraction of particulars.		Month of July	Month of June.
Order as to polling districts -	Order as to polling districts -		1st July -	1st June.
Returns of deaths for registration purposes.	Returns of deaths for registration purposes.		15th July -	26th June.
Ditto - - -	Ditto - - -		16th July -	27th June.
Last day for claims - -	- - - - - -		20th July -	1st July.
	Last day for payment of rates due up to 5th of January last, and for payment of assessed taxes.		20th July -	26th June.
	Last day for issue of precepts to clerks of livery companies in City of London.		20th July -	15th June.
	Last day for overseers making list of rate defaulters.		22nd July -	17th June.
Returns of deaths for registration purposes.	Returns of deaths for registration purposes.		22nd July -	3rd July.
Removal of copy of register -	- - - - - - -	20th July -	25th July -	1st July.
	Last day for claim by lodgers on current register to be on old lodgers list.		25th July -	6th July.
Last day for ascertaining by overseers the names of persons disqualified by parochial relief.	Last day for ascertaining by overseers the names of persons disqualified by parochial relief.		31st July -	12th July.
Last day for overseers preparing list of claimants, and making marginal objections to that list and in the old register.	Last day for overseers making lists of voters and for town clerks making lists of freemen, and in the City of London for clerks of livery companies transmitting lists of voters.		31st July -	12th July.

1st Column.	2nd Column.	3rd Column. Old Dates.		4th Column.
Proceedings concerned with County Ownership Voters.	Proceedings concerned with Borough Voters and County Occupation Voters and Local Government Electors.	Date in Original Enactment.	Present Date.	Substituted Dates.
Last day for overseers publishing copy of register with marginal additions, and list of claimants, and corrupt and illegal practices list.	Last day for overseers and town clerks publishing lists of voters or freemen, and corrupt and illegal practices list.		1st August -	13th July.
	First day for delivering to overseers of claims of new lodgers.		1st August -	13th July.
Last day for objections - -	Last day for claims and objections (including claims of new lodgers).	25th August -	20th August -	1st August.
Last day for overseers publishing list of persons objected to.	Last day for overseers and town clerks publishing lists of claimants and persons objected to.	1st September	25th August -	6th August.
Last day for overseers delivering to clerk of county council copy of register, with the marginal additions, list of claimants, and list of persons objected to.	Last day for overseers delivering copies of lists of voters, of claimants and persons objected to, to town clerk or clerk of county council.	29th August -	25th August -	6th August.
Date after which additional revising barristers may be appointed.	Date after which additional revising barristers may be appointed.	5th September	1st September	12th August.
Last day for transmission to clerk of county council of declarations as to place of abode.(1)	Last day for transmission to town clerk, clerk of county council of declarations as to errors and omissions.(2)	(1) 12th September. (2) 14th September.	5th September	16th August.
Last day for inspection of declarations.(1)	Last day for inspection of declarations. (2)	(1) 15th September. (2) 20th September.	8th September	19th August.
Returns of deaths for registration purposes.	Returns of deaths for registration purposes.	15th September	8th September	20th August.
Transmission of copy of register to Secretary of State.	Transmission of copy of register to Secretary of State.	1st February	1st February	1st December.

NOTE.—In this schedule the expression "lists of voters" includes the old lodgers lists, lists of burgesses and county electors, and the expression "lists of claimants" includes claimants to be on the new lodgers lists.

A.D. 1891.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
28 & 29 Vict. c. 36.	County Voters Registration Act, 1865.	Section two.
41 & 42 Vict. c. 26.	Parliamentary and Municipal Registration Act, 1878.	Section seven.
48 & 49 Vict. c. 15.	Registration Act, 1885 -	Section three, section four, from "shall be transmitted" to "declarations."
51 & 52 Vict. c. 10.	County Electors Act, 1888	Section six, down to "the fifth day of September" (being subsection one); section ten, from "An application to appoint" down to "September," (being subsection three).

Electors Registration (Acceleration).

A

B I L L

[AS AMENDED IN COMMITTEE]

To accelerate the Proceedings for the Registration of Electors in England and Wales, and to alter certain dates connected therewith.

(Prepared and brought in by Mr. Ritchie, Mr. Attorney-General, and Mr. Long).

Ordered, by The House of Commons, *to be Printed, 2 March* 1891.

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[Bill 234.]